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HANSARD'S
PARLIAMENTARY DEBATES,

THIRD SERIES:

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

32° VICTORIÆ, 1868-9.

VOL. CXCV.

COMPRISING THE PERIOD FROM

THE FIRST DAY OF APRIL 1869,

TO

THE THIRTIETH DAY OF APRIL 1869.

Second Volume of the Session.

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Ireland — Maynooth College Visitation — Question, Mr. Newdegate; Answer, Mr. Gladstone 680

Ireland—The Irish Society—Motion for a Commission—*Moved*,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue a Royal Commission to inquire into the manner in which the Irish Society administer the property which, according to their own admission in their law suit with the Skinners' Company, they hold as trustees for the benefit of their trust; and to consider whether, under a totally different state of circumstances from those in which the Society had their origin, it would not be advisable to carry into effect the recommendation of the Royal Commission of 1854 on the Corporation of London, that the Irish Society should be abolished; and to advise such other arrangements as would be most in harmony with existing circumstances, and most conducive to the public advantage,"—(*Mr. Maguire*) 680

After long debate, Motion, by leave, *withdrawn*.

Lord Lieutenant of Cumberland and Westmoreland—Motion for an Address—*Moved*,

"That an humble Address be presented to Her Majesty, humbly showing that the united Lord Lieutenancies of Cumberland and of Westmoreland have, for upwards of a century, been conferred upon some member of the family of Lowther; that in the year 1844 William Earl of Lonsdale was appointed Lord Lieutenant and Custos Rotulorum of the said two counties; that the said Earl of Lonsdale continued to fill these offices until the month of December 1868, when Your Majesty was advised to revoke his appointment in favour of his nephew, Henry Lowther, esquire; that at the time when the said revocation took place Your Majesty's Ministers had tendered their resignations, LORD LIEUTENANT OF CUMBERLAND AND WESTMORELAND—Motion for an Address—*continued.*

and only held their offices until the appointment of their successors; that this House observes with satisfaction that, as a general rule, Your Most Gracious Majesty has refrained from appointing one and the same person to the Lord Lieutenancies of two separate counties, and humbly prays Your Majesty to reconsider the exceptional course recommended by Your Majesty's late advisers in the case of Cumberland and Westmoreland, and to revoke the appointment of Henry Lowther, esquire, in order that, should it seem good to Your Majesty, Your Majesty may appoint two fit and proper persons to be respectively Lord Lieutenant and Custos Rotulorum of Cumberland and of Westmoreland,"—(*Mr. Charles Howard*) 728

After debate, Motion, by leave, *withdrawn.*

County Coroners Bill—

Motion for Leave (*Mr. Goldney*) 752

Motion *agreed to*:—Bill to amend the Law relating to the office and appointment of County Coroners; and for other purposes relating thereto, *ordered* (*Mr. Goldney, Mr. Thomas Chambers, Mr. Pease*); *presented*, and read the first time [Bill 75.].

AGRICULTURAL RETURNS—RESOLUTION—*Moved,*

"That the Agricultural Returns, now made annually, should, after this year, be discontinued, and collected every fifth year in the place of annually,"—(*Mr. Pell*) .. 753

After short debate, *Moved*, "That the debate be adjourned,"—(*Mr. M'Lagan.*)

Motion *agreed to*:—Debate *adjourned* till *Friday.*

Endowed Hospitals, &c. (Scotland) Bill—

Motion for Leave (*The Lord Advocate*) 755

Motion *agreed to*:—Bill to make better provision for Endowed Hospitals and Endowed Educational Institutions in Scotland, *ordered* (*The Lord Advocate, Mr. Secretary Bruce, Mr. Adam.*)

Poor Law (Scotland) Act (1845) Amendment Bill—

Motion for Leave (*The Lord Advocate*) 756

Motion *agreed to*:—Bill to repeal the thirty-seventh section of the statute eight and nine Victoria, chapter eighty-three, and to make further provision for imposing Assessments under the said Act, *ordered* (*The Lord Advocate, Mr. Secretary Bruce, Mr. Adam.*)

METROPOLIS—PARK LANE AND PICCADILLY THOROUGHFARE—MOTION FOR PAPERS—

Moved, "That there be laid before this House, a Copy of all Correspondence which has passed since the month of February 1865, inclusive, between the Lords of the Treasury, the First Commissioner of Works, the Commissioners of Woods and Forests, and the Metropolitan Board of Works, on the subject of any proposed thoroughfare between Park Lane and Piccadilly (in continuation of Parliamentary Paper, No. 132, of Session 1865),"—(*Mr. Loch*) 756

After short debate, Motion, by leave, *withdrawn.*

Libel Bill [Bill 17]—

Order read, for resuming Adjourned Debate on Amendment proposed to Question [17th March], "That the Bill be now read a second time;" and which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Mr. Newdegate*:)—Question again proposed, "That the word 'now' stand part of the Question:"—Debate *resumed* 757

After short debate, Question put, and *agreed to*:—Main Question put, and *agreed to*:—Bill read a second time, and *committed* for *To-morrow.*

Metropolitan Commons Act (1866) Amendment Bill—*Ordered* (*Mr. Thomas Chambers, Mr. Locke*); *presented*, and read the first time [Bill 77] 758

Oyster and Mussel Fisheries Supplemental Bill—*Ordered* (*Mr. Lefevre, Mr. John Bright*); *presented*, and read the first time [Bill 76] 758

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Adulteration of Food or Drink Act (1860) Amendment Bill—*Ordered* (*Mr. Dixon, Mr. Kinnaird, Mr. Goldney*); *presented*, and read the first time [Bill 78] .. 758

COMMONS, WEDNESDAY, APRIL 14.

MR. MURPHY'S LECTURES—MAYOR OF TYNEMOUTH—Question, Mr. Sinclair Aytoun; Answer, Mr. Bruce 759

Married Women's Property Bill [Bill 20]—

Moved, "That the Bill be now read a second time,"—(*Mr. Russell Gurney*) 760

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Mr. Lopes*:)—Question proposed, "That the word 'now' stand part of the Question:"—After debate, Amendment, by leave, *withdrawn*:—Main Question put, and *agreed to*:—Bill read a second time, and *committed* to a Select Committee.

And, on April 22, Committee *nominated*:—List of the Committee .. 798

Sunday Trading Bill [Bill 5]—

Bill *considered* in Committee 799

After short time spent therein, Committee report Progress; to sit again *To-morrow*.

Hospitals, &c. Rating Exemption Bill—*Ordered* (*Mr. Wheelhouse, Sir Herbert Croft*); *presented*, and read the first time [Bill 81] 807

LORDS, THURSDAY, APRIL 15.

NEW PEER—The Right Honourable Sir John Laird Mair Lawrence, Bart., G.C.B., G.C.S.I., created Baron Lawrence of the Punjaub and of Grately in the county of Southampton.

Ecclesiastical Courts Bill (No. 2)—

Moved, "That the Bill be now read 2ª,"—(*The Earl of Shaftesbury*) .. 808

After debate, Motion *agreed to*:—Bill read 2ª accordingly, and *referred* to a Select Committee.

And, on April 26, Committee *nominated*:—List of the Committee .. 840

Clergy Discipline and Ecclesiastical Courts Bill [H.L.]—Bill read 2ª (according to Order), and *referred* to the Select Committee on Ecclesiastical Courts Bill.

COMMONS, THURSDAY, APRIL 15.

POOR LAW—KENSINGTON SICK ASYLUM DISTRICT—Question, Mr. J. G. Talbot; Answer, Mr. Goschen 841

POST OFFICE—WEST INDIA MAILS—Question, Mr. Candlish; Answer, The Marquess of Hartington 841

ASSESSED RATES BILL—Question, Lord Henley; Answer, Mr. Goschen .. 842

NAVY—WOOLWICH DOCKYARD—MR. W. BARNES—Question, Mr. Mills; Answer, Mr. Childers 842

METROPOLIS—BATTERSEA PARK—Question, Mr. Peek; Answer, Mr. Layard 843

THE FINANCIAL STATEMENT—PAYMENT OF THE INCOME TAX—Question, Mr. Neville-Grenville; Answer, The Chancellor of the Exchequer .. 843

THE FINANCIAL STATEMENT—DUTY ON CORN—Question, Mr. A. Johnston; Answer, The Chancellor of the Exchequer 844

REGULATION OF COAL MINES—Question, Mr. Kinnaird; Answer, Mr. Bruce 844

TELEGRAPHS BILL—Question, Mr. Baines; Answer, The Marquess of Hartington 845

Diplomatic Relations with Mexico—Question, Mr. H. B. Sheridan; Answer, Mr. Otway 845

Parliament—Business of the House—Observations, Mr. Gladstone .. 846

Irish Church Bill [Bill 27]—

Order for Committee read :—*Moved*, "That Mr. Speaker do now leave the Chair,"—(*Mr. Gladstone*) 847

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words, "this House will, upon this day six months, resolve itself into the said Committee,"—(*Mr. Newdegate,*)—instead thereof :—Question proposed, "That the words proposed to be left out stand part of the Question."

After long debate, Question put :—The House *divided;* Ayes 355, Noes 229; Majority 126 :—Division List, Ayes and Noes .. 936

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to:*—Bill *considered* in Committee :—Committee report Progress; to sit again *To-morrow.*

Militia Bill—

Motion for Leave (*Mr. Cardwell*) 941

Bill for amending the Law relating to the Militia, *ordered* (*Mr. Secretary Cardwell, Major Vivian*); *presented,* and read the first time [Bill 82.]

Water Supply Bill — *Ordered* (*Mr. Biddulph, Mr. Goldney, Colonel Napier Sturt, Marquess of Lorne*); *presented,* and read the first time [Bill 83] 941

Municipal Franchise Bill—*Ordered* (*Mr. Herbert, Mr. Hodgkinson, Mr. Candlish*); *presented,* and read the first time [Bill 85] 941

Mines Regulation Bill — *Ordered* (*Mr. Secretary Bruce, Mr. Knatchbull-Hugessen*); *presented,* and read the first time [Bill 84] 942

LORDS, FRIDAY, APRIL 16.

Railway Companies—Resolution—

Ordered, That in all cases in which Railway Bills of this Session shall (in accordance with the provisions of the Act 31st and 32d Victoria, cap. 119) have been submitted to a meeting of the proprietors of any company in respect of additional powers conferred on such company, and shall have been approved at such meeting, it shall not be necessary to submit the Bill to a meeting of such company to be held in accordance with Standing Order No. 185, unless any of the powers specified in such Order shall have been inserted or materially altered in the House of Commons,"—(*The Chairman of Committees*) 942

United States—The Hog Cholera—Question, Earl Cowper; Answer, Earl De Grey and Ripon 942

Pauperism and Emigration—Observations, Lord Houghton; Reply, Earl Granville :—Debate thereon 943

COMMONS, FRIDAY, APRIL 16.

Poor Law — Orphan Pauper Children — Question, Mr. Rathbone; Answer, Mr. Goschen 971

Waterloo and Whitehall Railway—Question, Mr. G. Gregory; Answer, Mr. Bright 972

Metric System of Weights and Measures — Question, Mr. J. B. Smith; Answer, Mr. Bright 972

Ireland—Sligo Election—Question, Lord Claud Hamilton; Answer, Mr. Gladstone 974

The Judicial Commission—Question, Mr. Sherriff; Answer, Mr. Knatchbull-Hugessen 975

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National Gallery—Question, Mr. Brewer; Answer, Mr. Layard .. 975

Salmon Fishery Laws — Question, Sir Herbert Croft; Answer, Mr. Knatchbull-Hugessen 975

Durham County Courts—Question, Mr. Henderson; Answer, Mr. Ayrton 976

Inclosure of Commons—Question, Mr. Walsh; Answer, Mr. Bruce .. 976

Ireland—Cashel Election—Question, Lord Edwin Hill-Trevor; Answer, The Attorney General for Ireland 976

Supply—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

Local Taxation—Question, Observations, Sir George Jenkinson; Reply, Mr. Gladstone:—Short debate thereon 977

Scotland—Portpatrick Harbour — Observations, Mr. W. Johnston; Reply, Mr. Ayrton:—Short debate thereon 982

Government Reductions and Emigration—Observations, Sir James Elphinstone; Reply, Mr. Cardwell 991

Motion, "That Mr. Speaker do now leave the Chair," by leave, *withdrawn*:—Committee *deferred* till *Monday* next.

Irish Church Bill [Bill 27]—

Bill *considered* in Committee 993

Clause 1 (Short title).

Clause 2 (Dissolution of legislative union between Churches of England and Ireland).

After long time, Committee report Progress; to sit again upon *Monday* next.

LORDS, MONDAY, APRIL 19.

Coronation Oath—Question, Observations, Lord Redesdale; Reply, Earl Granville 1059

Government of India Act Amendment Bill—

A Bill to amend in certain respects the Act for the better government of India—*Presented* (*The Duke of Argyll*) 1069

After debate, Bill read 1ª. (No. 62.)

Park Gate Chapel Marriages, &c. Bill [H.L.]—*Presented* (*The Lord Archbishop of York*); read 1ª (No. 59) 1094

COMMONS, MONDAY, APRIL 19.

Army—Retirement of Officers—Question, Mr. Henderson; Answer, Mr. Cardwell 1095

Ireland—Church Leases—Question, Dr. Ball; Answer, Mr. C. Fortescue 1095

Ireland—Election Petitions—Question, Viscount St. Lawrence; Answer, The Attorney General for Ireland 1096

Ireland—Church Leaseholds—Question, Sir Lawrence Palk; Answer, Mr. Gladstone 1096

Vagrancy—Question, Mr. Hunt; Answer, Mr. Goschen 1096

Army—Cupping in the Army—Question, Mr. W. S. Allen; Answer, Mr. Cardwell 1097

Excise Licence on Horses — Question, Sir Henry Hoare; Answer, Mr. Scourfield 1097

Ireland—Preservation of Ancient Monuments—Question, Mr. Agar-Ellis; Answer, Mr. Layard 1098

Turkey—Cretan Insurgents—Question, Mr. Monk; Answer, Mr. Otway 1099

Irish Church Bill [Bill 27]—

Bill *considered* in Committee. [*Progress* 16*th April*] 1099
Clause 3 (Appointment of commissioners)
Clause 7 (Powers of commissioners) 1100
Clause 10 (Prohibition of future appointments) 1100
Clause 12 (Church property vested in commissioners under Act) .. 1109
Clause 13 (Dissolution of ecclesiastical corporations, and cessation of right to sit in House of Lords) 1124
Clause 14 (Compensation to ecclesiastical persons other than curates) .. 1137
Committee report Progress; to sit again upon *Thursday*.

LORDS, TUESDAY, APRIL 20.

Tenure (Ireland) Bill (No. 36)—

Moved, "That the Bill be now read 2^{a},"—(*The Marquess of Clanricarde*) 1157
After debate, Motion *agreed to*:—Bill read 2^{a} accordingly.

Reformatory Schools Amendment Bill [H.L.]—*Presented* (*The Marquess Townshend*); read 1^{a} (No. 63) 1194

Industrial Schools (Great Britain) Bill [H.L.]—*Presented* (*The Marquess Townshend*); read 1^{a} (No. 64) 1194

Lodgers Property Protection Bill [H.L.]—*Presented* (*The Marquess Townshend*); read 1^{a} (No. 65) 1194

Aggravated Assaults Amendment Bill [H.L.]—*Presented* (*The Marquess Townshend*); read 1^{a} (No. 66) 1194

COMMONS, TUESDAY, APRIL 20.

POOR LAW—GILBERT UNIONS—Questions, Sir Michael Hicks-Beach, Colonel Bourne; Answers, Mr. Goschen 1195

SCOTLAND—SALMON FISHERIES—Question, Mr. Fordyce; Answer, Mr. Bruce 1196

VISITATION FEES—Question, Colonel Brise; Answer, Mr. Stansfeld .. 1196

IRISH CHURCH BILL—ORGANISTS—Question, Mr. O'Reilly-Dease; Answer, Mr. Gladstone 1197

NAVY—"CROCODILE" TRANSPORT—Question, Mr. Stacpoole; Answer, Mr. Grant Duff 1197

IRELAND—RELATION OF THE IRISH CLERGY TO THE CHURCH OF ENGLAND—Question, Mr. Collins; Answer, Mr. Gladstone 1198

ARMY—MILITARY TRAIN—Question, Mr. W. F. Cowper; Answer, Mr. Cardwell 1200

CRIMINAL LAW—LIBERATION OF SIR EARDLEY WILMOT—Question, Mr. Scourfield; Answer, Mr. Bruce 1200

THE NEW COURTS OF JUSTICE—SITE OF THE NEW COURTS—RESOLUTION—

Moved, "That, in the opinion of this House, it is desirable to reconsider the question of Carey Street as the site of the New Law Courts, inasmuch as the Thames Embankment, between the Temple and Somerset House, now offers many advantages for the erection of such buildings,"—(*Mr. W. H. Gregory*) 1202

Amendment proposed,

To leave out from the word "desirable" to the end of the Question, in order to add the words "to proceed as soon as possible with the erection of the New Law Courts, and the offices connected therewith, upon the site appropriated for that purpose by the Act 28 and 29 Vic. c. 49; and that if additional land be necessary for the proper erection of such Courts and offices, such additional land ought to be acquired in immediate proximity to that site,"—(*Sir Roundell Palmer,*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question:"—After long debate, Debate *adjourned* till *Tuesday* 18th May.

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IRELAND—DUBLIN CITY ELECTION—MOTION FOR A COMMISSION—

Moved, "That an humble Address be presented to Her Majesty, praying that She will order a Commission to be issued to inquire into the existence of corrupt practices at the late General Election for the City of Dublin, &c.,"—(*Mr. O'Reilly*) 1270

Amendment proposed,

To leave out from the first word "That" to the end of the Question, in order to add the words, "Mr. Speaker do issue his Warrant to the Clerk of the Crown in Ireland to make out a new Writ for the electing of a Citizen to serve in this present Parliament for the City of Dublin, in the room of Sir Arthur Edward Guinness, baronet, whose Election has been determined to be void,"—(*Mr. Collins,*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question:"—After debate, Question put:—The House *divided;* Ayes 192, Noes 120; Majority 72:—Main Question, put, and *agreed to.*

Address to be communicated to the Lords, and their concurrence desired thereto.

INCLOSURE ACT—MOTION FOR A SELECT COMMITTEE—

Moved, "That a Select Committee be appointed to inquire whether the Inclosure Act 8 and 9 Vic. c. 118, requires amendment,"—(*Mr. Fawcett*) 1286

Amendment proposed,

At the end of the Question, to add the words "in respect to the provisions for places of public recreation, and for allotments for the labouring poor,"—(*Mr. William Cowper.*)

After short debate, Question, "That those words be there added," put, and *agreed to:*—Main Question, as amended, put, and *agreed to.*

And, on April 26, Committee *nominated:*—List of the Committee .. 1288

Local Officers Superannuation (Ireland) Bill—*Ordered* (*Mr. Pim, Sir John Gray*); *presented,* and read the first time [Bill 87] 1288

COMMONS, WEDNESDAY, APRIL 21.

Marriage with a Deceased Wife's Sister Bill [Bill 23]—

Moved, "That the Bill be now read a second time,"—(*Mr. Thomas Chambers*) 1288

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Mr. Sclater-Booth.*)

After debate, Question put, "That the word 'now' stand part of the Question:"—The House *divided;* Ayes 243, Noes 144; Majority 99.

Main Question put, and *agreed to:*—Bill read a second time, and *committed* for *Tuesday* 4th May.

Division List, Ayes and Noes 1325

Local Government Supplemental Bill—*Ordered* (*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce*); *presented,* and read the first time [Bill 90] 1328

LORDS, THURSDAY, APRIL 22.

Increase of the Episcopate Bill (No. 34)—

Moved, "That the Bill be now read 2^a,"—(*The Lord Lyttelton*) .. 1329

Amendment *moved,* to leave out ("now,") and insert ("this day three months,")—(*The Lord Portman.*)

After debate, on Question, That ("now") stand Part of the Motion? their Lordships *divided;* Contents 20, Not-Contents 43; Majority 23. *Resolved* in the *Negative*

List of Contents and Not-Contents 1351

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Ecclesiastical Courts Bill—
Clergy Discipline and Ecclesiastical Courts Bill

Order of the Day for the naming of the Select Committee on these Bills 1351
After short debate, the Question, "That the Committee do consist of fifteen Members," was then put, and *agreed to*:—Naming of the Select Committee *put off* to *Monday* next:—And, on April 26, Committee *nominated*:—List of the Committee 1353

IRELAND—DUBLIN CITY ELECTION—
Message from the Commons that they have agreed to an Address to be presented to Her Majesty, to which they desire the concurrence of their Lordships 1353

COMMONS, THURSDAY, APRIL 22.

NAVY—USE OF NORTH COUNTRY COAL—Question, Mr. Hussey Vivian; Answer, Mr. Childers 1354

POOR LAW—METROPOLITAN LUNATIC ASYLUMS—Question, Mr. M'Cullagh Torrens; Answer, Mr. Goschen 1354

RANGOON AND WESTERN CHINA—Question, Colonel Gray; Answer, Mr. Grant Duff 1356

IRISH CHURCH BILL—BORROWING POWERS OF LIMITED OWNERS—Question, Sir Frederick W. Heygate; Answer, Mr. Gladstone 1357

CRIMINAL LAW—REMISSION OF CAPITAL SENTENCES—CASE OF CHARLES WILTSHIRE—Question, Sir George Jenkinson; Answer, Mr. Bruce .. 1358

ROMAN CATHOLIC CHARITIES—Question, Mr. Newdegate; Answer, Mr. Bruce 1362

ARMY—PAY OF REGIMENTAL COLONELS—Question, Mr. H. R. Brand; Answer, Mr. Cardwell 1362

CATTLE PLAGUE—DISEASED FOREIGN SHEEP—Question, Lord Robert Montagu; Answer, Mr. W. E. Forster 1363

Irish Church Bill [Bill 27]—
Bill *considered* in Committee. [*Progress* 19*th April.*]
Clause 14 (Compensation to ecclesiastical persons other than curates) .. 1364
Clause 15 (Compensation to curates) 1386
Clause 16 (Compensation to diocesan schoolmasters, clerks, and sextons) 1404
Clause 17 (Compensation to organists, vergers, and others) .. 1410
Clause 18 (Compensation to lay patrons) 1412
Committee report Progress; to sit again *To-morrow.*

Newspapers, &c. Bill [Bill 66]—
Bill *considered* in Committee 1416
After short time spent therein, Bill *reported*; as amended, to be considered *To-morrow.*

Militia Bill [Bill 82]—
Order for Committee read 1417
After short debate, Bill *considered* in Committee:—Bill *reported* without Amendment; to be read the third time *To-morrow.*

Copyright (Periodicals) Bill—*Ordered* (*Mr. Ayrton, Mr. Chancellor of the Exchequer*); *presented*, and read the first time [Bill 93] 1419

Railway Construction Facilities Act (1864) Amendment Bill—*Ordered* (*Mr. Whalley, Mr. M'Mahon*); *presented*, and read the first time [Bill 94] .. 1419

LORDS, FRIDAY, APRIL 23.

NEW PEER—The Right Honourable Sir James Plaisted Wilde, Knight, Judge of Her Majesty's Court of Probate, and Judge Ordinary of Her Majesty's Court for Divorce and Matrimonial Causes, Baron Penzance of Penzance in the county of Cornwall 1419

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Army—The Military Force of the Kingdom—Observations, Lord Monck; Reply, Lord Northbrook:—Debate thereon 1420

Norfolk Island Bishopric Bill [H.L.]—*Presented* (*The Earl Granville*); read 1ª (No. 73) 1462

COMMONS, FRIDAY, APRIL 23.

Newspapers and the British Museum—Question, Mr. A. Bass; Answer, Mr. Ayrton 1463

Thames Embankment (South Side)—Question, Mr. Guest; Answer, Mr. Tite 1464

Sea Fishing Boats—Question, Sir Herbert Croft; Answer, Mr. Bright .. 1464

Rule of the Road at Sea—Question, Sir John Hay; Answer, Mr. Bright 1465

Parliament—Disability of the Episcopal Clergy—Question, Lord Henry Thynne; Answer, Mr. Gladstone 1466

Parliament—House of Commons Arrangements—Question, Mr. Headlam; Answer, Mr. Layard 1467

Cattle Plague — Importation of Diseased Sheep — Question, Lord Robert Montagu; Answer, Mr. W. E. Forster 1467

The O'Farrell Papers—Question, Mr. Newdegate; Answer, Mr. Gladstone 1468

Parliament—Business of the House—Observations, Mr. Gladstone .. 1470

Irish Church Bill [Bill 27]—

Bill *considered* in Committee. [*Progress 22nd April*] 1473
Clause 18 (Compensation to lay patrons) 1473
Clause 19 (Repeal of laws prohibiting synods, &c.) 1488
Clause 20 (Existing law to subsist by contract) 1495
Clause 21 (Abolition of ecclesiastical courts and ecclesiastical law) .. 1506
Clause 22 (Incorporation of church body) 1506
Clause 23 (Redemption of annuities and life interest of ecclesiastical persons) 1518
Committee report Progress; to sit again upon *Monday* next.

Church Temporalities (Ireland) Commissioners. [Advances]—
Considered in Committee 1531

Resolved, That the Commissioners for the Reduction of the National Debt be authorized to advance, with the consent of the Commissioners of Her Majesty's Treasury, to the Commissioners of Church Temporalities in Ireland to be appointed by any Act passed in the present Session of Parliament "to put an end to the Establishment of the Church of Ireland, and to make provision in respect to the temporalities thereof, and in respect to the Royal College of Maynooth," such monies as the said Commissioners of Church Temporalities may require to raise for the purposes of the said Act; and that it is expedient to authorize the Commissioners of Her Majesty's Treasury to guarantee the repayment to the said Commissioners for the Reduction of the National Debt of any monies so advanced,—(*Mr. Gladstone.*)

Resolution to be reported upon *Monday* next.

Militia Bill [Bill 82]—

Order for Third Reading read 1532
After short debate, Bill read the third time, and *passed.*

Consolidated Fund (£17,100,000) Bill—*Presented*, and read the first time .. 1532

Customs and Inland Revenue Duties Bill—*Presented*, and read the first time [Bill 95] 1532

Courts of Justice Salaries and Funds Bill—Resolutions *reported*, and *agreed to*:—Bill *ordered* (*Mr. Dodson, Mr. Chancellor of the Exchequer, Mr. Ayrton*); *presented*, and read the first time [Bill 96] 1532

LORDS, MONDAY, APRIL 26.

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IRELAND — AGRARIAN OUTRAGES — Postponement of Question (*Viscount Lismore:*)—Short debate thereon 1533

Ecclesiastical Courts Bill
Clergy Discipline and Ecclesiastical Courts Bill

Order of the Day for the Nomination of the Committee on these Bills read 1535

After short debate, Committee *nominated:*—List of the Committee .. 1536

Tenure (Ireland) Bill (No. 36)—

Moved, "That the House do now resolve itself into a Committee,"—(*The Marquess of Clanricarde*) 1536

After long debate, Motion (by Leave of the House) *withdrawn;* and House to be in Committee on *Tuesday* the *25th of May* next.

PAROCHIAL SCHOOLS (SCOTLAND) BILL—Question, Observations, The Duke of Richmond, Lord Cairns; Reply, The Duke of Argyll .. 1574

COURTS OF LAW COMMISSION (SCOTLAND) — Question, The Earl of Minto; Answer, The Earl of Morley 1575

Adjutants (Jury) Exemption Bill [H.L.]—*Presented* (*The Lord Strathceden*); read 1ª (No. 75) 1575

COMMONS, MONDAY, APRIL 26.

ARMY — LUNATICS — MURDER OF SERJEANT BARNES— Question, Mr. P. A. Taylor; Answer, Mr. Cardwell 1576

ARMY — CONCENTRATION OF ARMY OFFICES — Question, Mr. R. Shaw; Answer, Mr. Cardwell 1577

IRELAND — PURCHASE OF RAILWAYS — Question, Mr. W. Ormsby Gore; Answer, Mr. Gladstone 1577

INDIA—ACCOUNTS—Question, Mr. E. T. Hamilton; Answer, Mr. Grant Duff 1578

THE BRITISH MUSEUM — THE TEMPLE COLLECTION — Question, Mr. W. Lowther; Answer, Mr. Walpole 1579

GRAVESEND COUNTY COURT—Question, Sir Charles Wingfield; Answer, Mr. Ayrton 1579

RAILWAYS—SMOKING ON METROPOLITAN RAILWAYS—Question, Mr. Cadogan; Answer, Mr. Bright 1579

INDIA—BANDA AND KIRWEE PRIZE MONEY—Question, Mr. O'Reilly; Answer, Mr. Grant Duff 1580

INDIA—MUSCAT AND ZANZIBAR—Question, Sir Stafford Northcote; Answer, Mr. Grant Duff 1580

SAVINGS BANKS—Questions, Mr. Cawley, Mr. Hibbert; Answers, The Chancellor of the Exchequer 1581

POOR LAW — RATING OF MINES—Question, Colonel Duncombe; Answer, Mr. Bruce 1582

POST OFFICE—COMMUNICATION WITH SOUTH WALES—Question, Mr. Jones; Answer, The Marquess of Hartington 1582

NAVY—MOORINGS IN DOVER HARBOUR—Question, Major Dickson; Answer, Mr. Childers 1583

ROYAL PATRIOTIC FUND SCHOOL—THE BOY M'GREGOR—Question, Mr. Locke King; Answer, Mr. Cardwell 1583

POST OFFICE—NEW YORK MAILS—Question, Mr. Eastwick; Answer, The Marquess of Hartington 1583

ARMY—STORAGE OF SALTPETRE—Question, Mr. Alderman W. Lawrence; Answer, Mr. Cardwell 1584

THE O'FARRELL PAPERS — Question, Mr. Newdegate; Answer, Mr. Gladstone 1584

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Post Office—The North German Confederation—Question, Mr. Hardcastle; Answer, The Marquess of Hartington 1584

Irish Church Bill [Bill 27]—

Bill *considered* in Committee [*Progress 23rd April*] 1585
Clause 24 (Building charge to be paid on commutation of annuity).
Clause 25 (Enactments with respect to churches) 1585
Clause 26 (Enactments with respect to burial grounds) 1617
Clause 27 (Enactments with respect to ecclesiastical residences) .. 1629
Committee report Progress; to sit again upon *Thursday.*

Consolidated Fund (£17,100,000) Bill—

Order for Second Reading read 1647
After short debate, Bill read a second time, and *committed* for *To-morrow.*

LORDS, TUESDAY, APRIL 27.

Life Peerages Bill (No. 49)—

Moved, "That the Bill be now read 2ª,"—(*The Earl Russell*) .. 1648
After debate, Amendment *moved,* to leave out ("now") and insert ("this day six months,")—(*Lord Denman.*)
After further short debate, on Question, That ("now") stand part of the Motion?—*Resolved* in the *Affirmative*:—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Tuesday* the 11*th of May* next.

Representative Peers for Scotland and Ireland Bill (No. 50)—

Moved, "That the Bill be now read 2ª,"—(*The Earl Grey*) .. 1677
Amendment *moved,* to leave out from ("that") to the end of the Motion, and insert ("a Select Committee be appointed to consider the state of the Representative Peerage of Scotland and Ireland, and the laws relating thereto,")—(*The Duke of Buccleuch.*)
After short debate, on Question, Whether the words proposed to be left out shall stand part of the Motion?—their Lordships *divided;* Contents 32, Not-Contents 77; Majority 45.
Division List, Contents and Not-Contents 1693
Resolved in the *Negative*:—Motion, as amended, *agreed to*:—Committee appointed accordingly.
And, on April 30, Committee *nominated*:—List of the Committee 1694

COMMONS, TUESDAY, APRIL 27.

Navy—Malta—New Port and Docks—Question, Mr. Onslow; Answer, Mr. Childers 1695

Police Superannuations—Question, Sir Michael Hicks-Beach; Answer, Mr. Bruce 1695

Cattle Plague—Importation of Diseased Sheep—Questions, Mr. Corrance; Answers, Mr. W. E. Forster 1696

Ireland—Education—Salaries of Teachers—Question, Sir Frederick W. Heygate; Answer, Mr. Chichester Fortescue 1698

Dockyard Emigrants to Canada—Question, Mr. Kinnaird; Answer, Mr. Monsell 1698

New Courts of Justice—Site—Question, Mr. W. H. Gregory; Answer, Mr. Layard 1699

Criminal Law—Remission of Capital Sentences—Case of the Convict Wiltshire—Explanation, Mr. Bruce 1700

Greenwich Hospital Bill—

Motion for Leave (*Mr. Trevelyan*) 1701
After short debate, Motion *agreed to*:—Bill to make better provision respecting Greenwich Hospital, and the application of the Revenues thereof, *ordered* (*Mr. Trevelyan, Mr. Childers, Mr. Adam.*)

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GAME LAWS (SCOTLAND)—MOTION FOR A SELECT COMMITTEE—

Moved, "That a Select Committee be appointed "to inquire into the operation and effect of the Laws in Scotland relating to Game,"—(*Mr. Loch*) 1713

After debate, Motion *agreed to*:—Select Committee *appointed*.

THE O'FARRELL PAPERS—

Order [6th April] for presenting Address for Return relative to O'Farrell's crime read 1741

Moved, "That the said Order be discharged,"—(*Mr. Monsell*:)—After short debate, Question put:—The House *divided*; Ayes 123, Noes 15; Majority 108.

MILITIA AND RESERVE FORCES — SNIDER-ENFIELD RIFLES — MOTION FOR RETURNS—Address for,

"Return of the number of Snider-Enfield Rifles converted, the number issued, and the number in store,"—(*Major Walker*) 1759

After short debate, Motion *agreed to*:—Return *ordered*.

Beerhouses, &c. Bill—

Moved, "That the Bill be now read a second time,"—(*Sir Henry Selwin-Ibbetson*) 1763

After short debate, *Moved*, "That the Debate be now adjourned,"—(*Sir Robert Clifton*:)—The House *divided*; Ayes None, Noes 232; Majority 232:—Main Question put, and *agreed to*:—Bill read a second time, and *committed* for *Tuesday* 11th May.

COMMONS, WEDNESDAY, APRIL 28.

Imperial Gas Bill (*by Order*)—

Order for Consideration, as amended, read 1782

Moved, "That the Bill be now taken into Consideration."

Amendment proposed,

To leave out the words "now taken into Consideration," in order to add the words "re-committed to the former Committee, with a view to the insertion of Clauses to make the Bill consistent with the provisions of 'The City of London Gas Act, 1868,'"—(*Mr. Morrison*,)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Amendment, by leave, *withdrawn*.

Amendment proposed,

To leave out the words "now taken into Consideration," in order to add the words "re-committed to the former Committee, with an Instruction to consider the expediency of inserting Clauses to make the Bill consistent with the provisions of 'The City of London Gas Act, 1868,'"—(*Mr. Ayrton*,)—instead thereof.

After further short debate, Question, "That the words proposed to be left out stand part of the Question," put, and *negatived*:—Words *added*:—Main Question, as amended, put, and *agreed to*.

Evidence Amendment Bill [Bill 25]—

Moved, "That the Bill be now read a second time,"—(*Mr. Denman*) .. 1798

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Mr. Staveley Hill*:)—After short debate, Question, "That the word 'now' stand part of the Question," put, and *agreed to*:—Main Question put, and *agreed to*:—Bill read a second time, and *committed* for *To-morrow*.

Hospitals, &c. Rating Exemption Bill [Bill 81]—

Moved, "That the Bill be now read a second time,"—(*Mr. Wheelhouse*) 1814

After short debate, Debate *adjourned* till *To-morrow*.

LORDS, THURSDAY, APRIL 29.

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Ecclesiastical Dilapidations Bill (No. 25)—
Moved, "That the Bill be now read 2^{a},"—(*The Archbishop of York*) .. 1818
After short debate, Motion (by Leave of the House) *withdrawn*:—Bill (by Leave of the House) *withdrawn*.

Ecclesiastical Dilapidations (No. 2) Bill [H.L.]—*Presented* (*The Lord Archbishop of York*); read 1^{a} (No. 82) 1821

Government of India Act Amendment Bill (No. 62)—
Moved, "That the Bill be now read 2^{a},"—(*The Duke of Argyll*) .. 1821
After short debate, Motion *agreed to*:—Bill read 2^{a} accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

Militia Bill (No. 76)—
Order of the Day for the House to be put into a Committee read .. 1846
After short debate, House in Committee.
After short time spent therein, Amendments made; the Report thereof to be received on *Monday* next; and Bill to be *printed* as amended. (No. 83.)

Religious, Educational, &c. Societies Incorporation Bill [H.L.]—*Presented* (*The Lord Romilly*); read 1^{a} (No. 81) 1848

Children, &c. Protection Bill [H.L.]—*Presented* (*The Marquess Townshend*); read 1^{a} (No. 84) 1848

Vaccination Amendment Bill [H.L.]—*Presented* (*The Marquess Townshend*); read 1^{a} (No. 85) 1848

Metropolis Local Management Acts Amendment Bill [H.L.]—*Presented* (*The Marquess Townshend*); read 1^{a} (No. 86) 1848

Metropolitan Regulations Bill [H.L.]—*Presented* (*The Marquess Townshend*); read 1^{a} (No. 87) 1848

Education of Children Bill [H.L.]—*Presented* (*The Marquess Townshend*); read 1^{a} (No. 88) 1848

Infant Life Preservation Bill [H.L.]—*Presented* (*The Marquess Townshend*); read 1^{a} (No. 89) 1848

COMMONS, THURSDAY, APRIL 29.

IRELAND—RIOT IN LONDONDERRY—Question, Sir Frederick W. Heygate; Answer, Mr. Chichester Fortescue 1848

IRELAND—ASSASSINATION OF CAPTAIN TARLETON—Question, Captain Archdall; Answer, Mr. Chichester Fortescue 1849

STAMP DUTIES EXEMPTIONS—Question, Mr. Alderman Salomons; Answer, The Chancellor of the Exchequer 1849

LICENSE DUTIES ON SERVANTS—Question, Mr. W. H. Smith; Answer, The Chancellor of the Exchequer 1849

CONSTABULARY RETURNS—Question, Mr. Rylands; Answer, Mr. Bruce .. 1850

IRELAND—AGRARIAN OUTRAGES—Question, Lord John Manners; Answer, Mr. Chichester Fortescue 1850

FACTORY ACTS—HOURS OF LABOUR—Question, Mr. Muntz; Answer, Mr. Bruce 1851

METROPOLIS—NIGHT HOUSES—Question, Viscount Enfield; Answer, Mr. Bruce 1852

NAVY—THE GREENWICH SIXPENCE—Question, Colonel Sykes; Answer, Mr. Childers 1853

THE O'FARRELL PAPERS—Question, Mr. Newdegate; Answer, Mr. Gladstone 1854

CHURCH RATES—PRIVATE ACTS—Question, Colonel French; Answer, Mr. Bruce 1854

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IRELAND—PRISONS—Question, Mr. Vance; Answer, Mr. Chichester Fortescue 1855

RELATIONS WITH CHINA—Question, Mr. Dilke; Answer, Mr. Otway .. 1855

PARLIAMENT—THE IRISH CHURCH BILL—MORNING SITTING—Notice, Mr. Gladstone 1856

Irish Church Bill [Bill 27]—

Bill *considered* in Committee [*Progress* 26*th April*] 1856

Clause 27 (Enactments with respect to ecclesiastical residences).

Division List, Ayes and Noes 1876

Clause 28 (Power to convey additional land to church body) .. 1880

Clause 29 (Enactments with respect to private endowments) .. 1881

Division List, Ayes and Noes 1923

Committee report Progress; to sit again *To-morrow.*

Pharmacy Act (1868) Amendment Bill [Bill 37]—

Order for Committee read:—*Moved,* "That Mr. Speaker do now leave the Chair"—(*Lord Robert Montagu*) 1933

Amendment proposed, to leave out from the word "That," to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee,"—(*Dr. Brewer,*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Amendment, by leave, *withdrawn.*

Bill *considered* in Committee.

After short time spent therein, Bill *reported;* as amended, to be considered upon *Monday* 10th May, and to be *printed.* [Bill 99.]

IRELAND—CASHEL ELECTION—MOTION FOR AN ADDRESS—

Moved, "That an humble Address be presented to Her Majesty, &c.,"—(*Mr. Attorney General for Ireland*) 1935

After short debate, Motion *agreed to:*—Address to be communicated to the Lords, and their concurrence desired thereto.

Sheriffs (York County) Bill—*Ordered* (*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce*) 1936

LORDS, FRIDAY, APRIL 30.

Fine Arts Copyright Consolidation and Amendment (No. 2) Bill (No. 51)—

Moved, "That the Bill be now read 2^a,"—(*The Lord Westbury*) .. 1936

After short debate, Motion *agreed to:*—Bill read 2^a accordingly, and *referred* to a Select Committee:—And, on May 3, Committee *nominated:*—List of the Committee 1945

ST. KATHERINE'S HOSPITAL—Question, Observations, Earl Nelson; Reply, The Lord Chancellor 1945

THE MAYOR OF CORK—ASSASSINATIONS IN IRELAND—Question, Observations, Viscount Lifford; Reply, Earl Granville:—Short debate thereon .. 1948

STATE OF IRELAND—Question, Observations, The Marquess of Bath; Reply, Earl Granville:—Long debate thereon 1954

CASHEL ELECTION—

Message from the Commons that they have agreed to an Address to be presented to Her Majesty, to which they desire the concurrence of their Lordships.

Message to the Commons for copy of minutes of the evidence taken at the trial of the Cashel Borough Election Petition (1869).

METROPOLIS—PARK LANE IMPROVEMENTS—Question, Mr. C. B. Denison; Answer, Mr. Layard 1973

METROPOLIS—PUBLIC OFFICES, GREAT GEORGE STREET—Question, Mr. W. H. Smith; Answer Mr. Layard 1973

COMMONS, FRIDAY, APRIL 30.

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ARMY—ORDNANCE SURVEY — Question, Mr. A. Johnston; Answer, Mr. Cardwell 1974

IRELAND — IMPROPRIATE TITHE RENT-CHARGE — Question, Mr. Charley; Answer, Mr. Gladstone 1974

CORRUPT PRACTICES COMMISSIONS—Question, Lord Henry Thynne; Answer, The Attorney General 1975

PARLIAMENT—BUSINESS OF THE HOUSE—MORNING SITTINGS—RESOLUTIONS—Question, Lord Claud Hamilton; Answer, Mr. Gladstone .. 1975

Moved, That, unless the House shall otherwise order, whenever the House shall meet at Two o'clock, the House will proceed with Private Business, Petitions, Motions for unopposed Returns, and leave of absence to Members, giving Notices of Motions, Questions to Ministers, and such Orders of the Day as shall have been appointed for the Morning Sitting.

That on such days, if the business be not sooner disposed of, the House will suspend its sitting at Seven o'clock; and at Ten minutes before Seven o'clock, unless the House shall otherwise order, Mr. Speaker shall adjourn the Debate on any business then under discussion, or the Chairman shall report Progress, as the case may be, and no opposed business shall then be proceeded with.

That when such business has not been disposed of at Seven o'clock, unless the House shall otherwise order, Mr. Speaker (or the Chairman, in case the House shall be in Committee) do leave the Chair, and the House will resume its sitting at Nine o'clock, when the Orders of the Day not disposed of at the Morning Sitting, and any Motion which was under discussion at Ten minutes to Seven o'clock, shall be set down in the Order Book after the other Orders of the Day.

That whenever the House shall be in Committee at Seven o'clock, the Chairman do report Progress when the House resumes its sitting,—(*Mr. Gladstone.*)

After short debate, Resolutions *agreed to.*

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

STATE OF IRELAND—Observations, Mr. Graves; Reply, Mr. Chichester Fortescue 1982

THE O'FARRELL PAPERS — Question, Mr. Newdegate; Answer, Mr. Gladstone:—Long debate thereon 2064

GAME LAWS (SCOTLAND)—MOTION FOR A ROYAL COMMISSION—

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the question of the Game Laws in Scotland be referred to a Royal Commission,"—(*Sir James Elphinstone,*)—instead thereof 2065

Question proposed, "That the words proposed to be left out stand part of the Question."

Moved, "That the Debate be now adjourned,"—(*Mr. Robertson:*)—Motion, by leave, *withdrawn.*

Question again proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Amendment and Original Question, by leave, *withdrawn:*—Committee *deferred* till *Monday* next.

PARLIAMENT—YOUGHAL ELECTION—MOTION FOR A NEW WRIT—

Moved, "That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Ireland to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of Youghal, in the room of Christopher Weguelin, esquire, whose Election has been determined to be void,"—(*Mr. Glyn*) 2068

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the issuing of a new Writ for Youghal be postponed until the Minutes of Evidence taken on the Election Petition be printed,"—(*Mr. Collins.*)

After short debate, Question put, "That the words proposed to be left out stand part of the Question:"—The House *divided;* Ayes 102, Noes 70; Majority 32:—Main Question put, and *agreed to.*

LORDS.

NEW PEERS.

THURSDAY, APRIL 15.

The Right Hon. Sir John Laird Mair Lawrence, baronet, G.C.B., G.C.S.I., Baron Lawrence of the Punjaub and of Grately in the county of Southampton.

FRIDAY, APRIL 23.

The Right Hon. Sir James Plaisted Wilde, knight, Baron Penzance of Penzance in the county of Cornwall.

SAT FIRST.

MONDAY, APRIL 19.

The Viscount Gough, after the Death of his Father.

THURSDAY, APRIL 22.

The Earl De La Warr, after the Death of his Father.

MONDAY, APRIL 26.

The Lord Cloncurry, after the Death of his Father.

FRIDAY, APRIL 30.

The Earl Ferrers, after the Death of his Father.

COMMONS.

NEW WRITS ISSUED.

FRIDAY, APRIL 9.

For *Sussex* (Western Division), *v.* The Hon. Henry Wyndham, called up to the House of Peers.

FRIDAY, APRIL 16.

For *Brecknock Borough*, *v.* Howel Gwyn, esquire, void Election.

NEW MEMBERS SWORN.

FRIDAY, APRIL 2.

Dumfries County—Major George Gustavus Walker.

MONDAY, APRIL 5.

Hereford City—Colonel Edward Clive, and Chandos Wren Hoskyns, esquire.

TUESDAY, APRIL 6.

Blackburn—Henry Master Feilden, esquire, and Edward Kenworthy Hornby, esquire.

TUESDAY, APRIL 13.

Wareham—John Samuel Wanley Sawbridge Erle Drax, esquire.

MONDAY, APRIL 19.

Sussex (Western Division)—The Earl of March.

TUESDAY, APRIL 27.

Brecknock Borough—Lord Hyde.

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

FIRST SESSION OF THE *TWENTIETH PARLIAMENT* OF THE
UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 10 DECEMBER, 1868, IN THE
THIRTY-SECOND YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

SECOND VOLUME OF THE SESSION.

HOUSE OF COMMONS,

Thursday, 1*st April*, 1869.

MINUTES.] — PUBLIC BILLS — *Ordered—First Reading*—Regulation of Railways Act (1868) Amendment [62].
Second Reading—Valuation of Property (Metropolis) [12].
Select Committee—Endowed Schools [3], *nominated.*
Third Reading—Drainage and Improvement of Lands (Ireland) Supplemental* [55], and *passed.*

INDIA—INDIAN FIELD OFFICERS.

QUESTION.

COLONEL SYKES said, he wished to ask the Under Secretary of State for India, Whether there is any and what foundation for a statement at page 16 of the *Home News* of the 19th March, that the Council of India have rejected the schemes of Colonel Norman and Colonel Broome, for the relief of the finance of India, by facilitating the retirement of Field Officers for whom there is not employment; and, whether the Council contemplate the reduction of the charge for unemployed Field Officers in India?

MR. GRANT DUFF said, in reply, that, subject to the obvious correction that the "Secretary of State in Council" should be substituted for the "Council" in each of his hon. and gallant Friend's Questions, his answer to both was in the affirmative. If his hon. and gallant Friend would move for the correspondence, he was ready to give it him as an unopposed Return.

NORWICH ELECTION.

ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [12th March], "That an humble Address be presented to Her Majesty, as followeth:

Most Gracious Sovereign,

We, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, beg leave humbly to represent to Your Majesty, that Sir Samuel Martin, knight, one of the Barons of the Court of Exchequer, and one of the Judges selected for the trial of Election Petitions, pursuant to the Parliamentary Elections Act, 1868, has reported to the House of Commons, that corrupt practices did prevail at the last Election for the City of Norwich, and that there is reason to believe that corrupt practices did extensively prevail at the said Election.

We therefore humbly pray Your Majesty, that Your Majesty will be graciously pleased to cause inquiry to be made pursuant to the Provisions of the Act of Parliament passed in the sixteenth year of the reign of Your Majesty, intituled, "An Act to provide for more effectual inquiry into the existence of Corrupt Practices at Elections for Members to serve in Parliament," by the appointment of George Morley Dowdeswell, esquire, one of Her Majesty's Counsel, Horatio Mansfield, esquire, Barrister at Law, and Robert John Biron, esquire, Barrister at Law, as Commissioners for the purpose of making inquiry into the existence of such corrupt practices." — (*Mr. Attorney General.*)

Question again proposed.

Debate *resumed.*

The ATTORNEY GENERAL said, hon. Members must be aware that in 1852, a statute had been passed, providing that in those cases in which an Election Committee reported that corrupt practices had, or that they had reason to believe that they had, extensively prevailed in a borough, that House, together with the other House of Parliament, might address the Crown on the subject, and the Crown might thereupon appoint a Commission to inquire into the existence of such practices. Commissions thus appointed had full powers for the purpose of conducting their investigations; and might not merely confine them to the particular election immediately in question, but carry the inquiry back to former elections. The House was aware that the statute to which he referred had on many occasions been acted upon, and the Commissions issued under it had, he believed, by general consent, done their work well, and brought to light a good deal of corruption, which, without their aid, would have escaped observation. Action, moreover, had, in more than one instance, been taken on their Reports in the shape of prosecutions instituted by Attorneys General and of Acts of disfranchisement passed by Parliament. By the Act of last Session, the Reports of the Judges, by whom election petitions were now tried, were substituted for those of the Committees; and he had before him the Report of the learned Judge who tried the Norwich petition, to which, he felt assured, the House would not attach less importance than they had hitherto been in the habit of attaching to the Report of a Committee. Formerly, he might add, it was the practice for the Chairman of the Committee to move for the appointment of a Commission, when it was deemed right that that course should be taken; but there were now no Chairmen of Committees to undertake that duty; and, as it might turn out that that which was nobody's business in particular might not be done at all, he hoped the House would be of opinion that he was not taking too much on himself in rising to move for the issue of a Commission in the present instance. Having said thus much, he would invite the attention of hon. Members to the Report of the learned Judge, who said—

> "And I further report that corrupt practices did prevail at the said Election, and that there is reason to believe that corrupt practices did extensively prevail at the same, and that they were of the nature stated in my special Report."

Then came the special Report of the learned Judge; and he might, before more particularly referring to it, observe that the powers of the Judge were confined to inquiring into the existence of corrupt practices at one election, and into the existence of extensive corrupt practices to that degree which might be necessary to determine his judgment as to whether there was sufficient evidence to unseat the Member, so that, under those circumstances, it must not be supposed that his Report could dispose of the whole of the cases of corruption which might have occurred in the borough. In his special Report, the learned Judge went on to say—

> "At the middle of the day of polling Sir William Russell and Mr. Tillett, the Liberal candidates, had a considerable majority, and there is no reason to believe that up to this time any corrupt vote had been given on either side; but from thence until the close of the poll I believe that bribery was extensively committed in order to procure the election of Sir Henry Josias Stracey. So far as the evidence went, the voters who were bribed were of one class—namely, workmen or labourers for daily wages. These people did not go to work that day, but collected in considerable numbers in and about public-houses and beer-shops,

> and there waited to be bribed. Some of them either of themselves thought, or it was suggested to them by others, that it was reasonable and just they should be paid their day's wages by the candidate for whom they voted. It may be that in some instances this feeling was honestly entertained, but in the great majority of instances it was a mere pretext in order to obtain bribes. A number of these voters went to the poll in a gross state of drunkenness, some of them so drunk as not to know for whom they came to vote; and I have no doubt that a very considerable number of bribed voters gave their votes between two and four o'clock of the day of polling. I expected that there would have been a scrutiny, but it was abandoned on behalf of Mr. Tillett, and I am, therefore, unable to state the number of the bribed voters. I am also unable to state who the bribers were, with the exception of the man Hardiment, who absconded after the petition was presented, and the man Arthur Hunt, who was examined at the trial. Another man called Warledge also absconded after the petition was presented, and he, probably, was extensively employed in bribing. The sum paid to each bribed voter was small. One pound to each was the sum proved to have been paid by Hardiment, and seven shillings and sixpence each to the voters bribed by Hunt. I am also unable to state what amount of money was spent in bribery, and I failed to obtain any information as to the source from whence the money came, or the persons by whom it was supplied to the bribers; but I believe that there was a corrupt agency at Norwich by which the money was supplied."

The Report proceeded to state further instances of bribery; but he did not think the House would be of opinion that it was necessary he should enter at any great length into the evidence. It would be enough for him to say that the evidence, which he had carefully read, appeared to bear out the Report of the learned Judge, which Report, as might be expected, rather kept within than went beyond the extent of the bribery practised at the election. The general aspect of the case was that until about two o'clock the Liberal candidates at the late election for Norwich were considerably ahead, the Conservative candidate Sir Henry Stracey far behind. After two o' clock, however, much greater activity on the side of Sir Henry Stracey began to be displayed. As the time drew near for the close of the poll voters began to poll for him in greater numbers, so that in the last half-hour a larger number of votes were recorded for him than in any previous half-hour throughout the day, and the result was that he was returned. On examining the evidence they could not be at any loss to account for that increased electoral activity, and he would refer to it to show the House how it was brought about that the candidate at the bottom of the poll at the middle of the day was at the head of the poll at the close of the day. It appeared that a number of public-houses were engaged, and that knots of twenty or thirty voters were collected together waiting to be bribed. The bribery, it further seemed, was confined to one side, and therefore the figure was not high; but in saying that he was far from wishing to impute bribery to only one party, or stating that the Liberal party had always been immaculate at Norwich; because, on a previous occasion, two Members who sat on the Liberal side of the House were unseated for bribery. But, be that as it might, he should, by way of giving a sample of the evidence which had been adduced at the recent inquiry, read two or three extracts from it. There were several public-houses in the town, one of which was called the "Marquess of Granby." One of the witnesses went there and saw Mackley, and, he said —

> "He told me that he had a considerable number of men either in his house or about his premises who would come and vote for the Liberal candidates; they only wanted to be paid some money; and I told him it was not our intention to do anything of the kind."

Whereupon all the men went away and appear to have voted on the other side. There was another public-house named the "Trumpet," and what took place there was very shortly but graphically narrated by one of the witnesses —

> "Mr. Hunt, who was reported as one of the main bribers, came into the room and asked the men present had they voted. They said 'No,' and he then said 'I have 5*s.* for each of you.' Did he count the money?—Yes. Did he say anything more than 'I have got 5*s.* for you?'—They grumbled at the 5*s.*, and said they would not have it. During that time was Smith, the fowl-dealer in the room?—He was. Upon the grumbling taking place did Smith say anything?—He said, 'My boys, I shall be a sovereign out of my own pocket, and give you 2*s.* 6*d.* each more, which will make it 7*s.* 6*d.*' Upon Smith offering to make up the amount to 7*s.* 6*d.* did any persons in the room accept it?—They then said that they might as well take it, for if they did not take it they should get nothing."

So these men having stood out against 5*s.*, and finding that they could not get any higher terms, condescended at length to accept the amount offered; they were all bribed, and they all went to the poll and voted. At another public-house called the "Woolpack," a man named Hardiment bribed, and the price then appeared to be about £1. Hardiment had a bagful of gold, and the men at first wanted £3 from him, but he only gave them £1 apiece. In the course, however, of the inquiry with respect to Hardiment a piece of evidence came out which will, I think, satisfy the House that the bribery at Norwich was of a very extensive character. After giving £1 each to all the other men, there were two or three to whom he would not give anything; and the witness was asked—

> "Did Hardiment give any reason for not paying money to the two men from the Third Ward?—Yes, he said they did not belong to his ward. Did he say they could get it from their own ward?—Yes.

From this statement of Hardiment's it certainly appeared to him that there was bribery in each ward, or at all events, in most of the wards in the town. There were other public-houses and other bribers in Norwich, but the cases being of a similar character it was not necessary to trouble the House with details. Many of the men when they came to the poll were in such a state of intoxication that they actually did not know the names of the candidates for whom they were voting. The Report, as he had ventured to suggest already, hardly gave any idea of the extent of the corruption which in all probability prevailed at Norwich, for after counsel for the petitioner had called a number of witnesses to depose to certain facts, he stated that there were a great many others who could be produced to give evidence to the same effect, whereupon the learned Baron who presided said he did not think Mr. Keane would be forwarding his case by adducing any more evidence of that class. And accordingly the case was stopped short. But it was clear from the statement of Mr. Keane, and he believed no doubt existed as to the fact, that evidence such as that to which he had just called the attention of the House was but a sample of what might be given. The learned Judge said there was one thing which puzzled him, and that was to discover where the money came from. That was a matter which he himself should like exceedingly to see investigated by a Commission. There was, however, one curious piece of evidence which threw some light upon the subject. A man named Webster stated that between two and three o'clock in the afternoon he went to the bank to get a cheque cashed for £200. He was asked why he had got a cheque cashed on that particular day, and was it not rather an inconvenient day on which to receive and carry a large sum of money. He replied that he had some small bills to pay, and had no change in the house. The question was then put to him—

> "You took all this in half-sovereigns for the convenience of the thing?—I did not ask for half-sovereigns. They said they had got £200 worth of half-sovereigns ready counted up, and I said, 'Very well, then, that will do.' It so happened that Messrs. Harvey's bank are Conservatives in the town?—I do not know; yes, I think they are. Think! Mr. Webster. Is he not one of the stanchest of your lot?—That is true, so he is. So it happened that at this stanch Conservative bank there were £200 in half-sovereigns that happened to be counted up?—Just so."

If, therefore, between two and three o'clock in the afternoon of the day of polling at Norwich Mr. Webster came into possession of 400 half-sovereigns ready counted out on the counter of the Conservative bank, the House could be at no loss to account for a certain amount of that electoral activity which prevailed in the town. If this clue were followed up by the Commissioners, they would probably discover from what sources the bribery came. For his own part, he confessed he was not well satisfied to proceed merely against inferior agents; he wished to discover the really guilty parties in the background, the persons who had supplied the money forming the source of all the corruption. It was his painful duty to add that on the part of the borough this was not a first offence. Norwich, in fact, was an old offender. It was not necessary to go back to 1837, when a very eminent Member of the House was unseated for bribery. It would be enough to refer to the year 1859, when two Members were unseated for the same cause. In that year a very remarkable Petition from the Mayor and Corporation of Norwich had been presented by his right hon. Friend the President of the Board of Trade (Mr. Bright), who had also, he believed, a Petition to present on this occasion, but was not now present. The petition to which he referred, after alleging that extensive and systematic bribery had been practised at the last election, went on to say—

> "Your petitioners are desirous that a thorough inquiry and investigation should take place before a Committee of your House, or before a Royal Commission, into the alleged bribery and corruption practised at the last election, and particularly

into the sources from which the money so corruptly expended was derived, and that such inquiry may be full, searching, and impartial."

At that time the House were unable on technical grounds to comply with the request, which did not emanate from a Committee; but now he trusted the House, by sanctioning a full, searching, and impartial inquiry, would give effect to the expressed wishes of the Mayor and Corporation of Norwich. This was a case in which the Judge had reported that there was reason to believe corrupt practices had extensively prevailed; the attention of the House had been expressly drawn to the provisions giving power to order an inquiry such as he now proposed, and on former occasions Members had been unseated for gross and systematic bribery in the same borough. If this were not a case in which the House thought proper to exercise its powers, it was difficult to conceive any case in which it would ever do so. A salutary effect would, he thought, attend the exercise of those powers, while, on the other hand, if they took no step, the House would practically be abdicating some of its most important functions, if not actually neglecting its duty. It would, moreover, be almost impossible to persuade the country that Members were really in earnest in their endeavours to put down bribery. The hon. and learned Gentleman concluded by moving his Motion.

Mr. READ said, the constituency which he represented embraced many of the leading citizens and men of influence in Norwich, and that must be, in part, his excuse for asking the House not to agree to the Motion of the hon. and learned Gentleman. He had just presented to the House a Petition signed by upwards of 2,900 magistrates, merchants, manufacturers and tradesmen of all shades of politics in the city of Norwich, and that must be a further excuse. The persons signing that Petition stated that corrupt practices prevailed at the last election only to a very slight extent, and were conducted by private persons entirely on their own responsibility; that only eight cases of bribery were proved, and that the amount given was small and at a late hour, negativing the idea of any preconcerted scheme of corruption; and, further, that new Writs had been already issued to places where corrupt practices had prevailed; and the petitioners therefore prayed the House to deal the same measure of justice to them as to other places, and not to cast a stigma on the honesty of 12,000 or 13,000 electors because of the corrupt practices of a few. He was not going to contend that Norwich had always been an immaculate city. In olden times a Liberal majority was purchased by the Liberals, and that was attempted to be overturned by Conservative money. This state of things reached its culminating point in 1859, when the gentlemen who had since succeeded in disfranchising Lancaster very nearly succeeded in disfranchising Norwich, and in consequence of the startling and disreputable disclosures then made both parties determined to turn over a new leaf, though undoubtedly there still remained a residuum of drunkenness and venality. At the recent election the heads of both parties declared that they would not in any way countenance any act of bribery; and it had been proved that, on the part of the Liberals, not 6*d.* was spent, and that up to two o'clock in the afternoon the Conservatives were equally free from bribery. By that time some 8,000 honest electors had recorded their votes, and then, no doubt, a few over-zealous and injudicious partizans did bribe to a limited extent; but there was no organized system. What was done was small in extent and insignificant in amount. The Attorney General had overstated the case in some respects. Only one or two persons were reported to have received £1, none to have received 10*s.*, but some had taken 7*s.* 6*d.* or 2*s.* 6*d.* It must be remembered that the Norwich trial was the first that took place under the new Act, hence a certain harshness of procedure that was not practised elsewhere; and he believed that the law laid down with regard to agency was hardly the same as had been subsequently laid down by the same learned Judge in the cases of Westminster and Wigan Petitions. In regard to the state of the poll at two o'clock, the facts were these—that the Liberal committee only issued one return at ten o'clock, which claimed for them a majority of 600, but they afterwards owned that it was incorrect, and they issued no more. The Conservative returns showed a gradual diminution of the majority against Sir Henry Stracey after eleven o'clock. It had been said that the day of election seemed to be made a general holiday; but a great number of the new electors were very poor men, not earning more than 10*s.* or 12*s.* a week, and some of the larger employers of labour gave them a half-holiday, but few of them could have afforded to lose a day's work, and consequently numbers of workmen voted in the afternoon. The learned Judge had, in the midst of his general severity, made one excuse—namely, that some of the voters really thought they were entitled to a day's work. He (Mr. Read) would venture to offer another. It was a common delusion, but one not likely to occur again, among the extinguished compound-householders, that they were entitled to recoup themselves for the rates they had been called upon to pay. It would be remembered—to the credit of Norwich—that though the election undoubtedly occasioned considerable excitement, there was no tumult, rioting, intimidation, or window-breaking; that no watchers were employed, and no cabs hired. Of the nine Conservative committee-rooms only four were at public-houses. At the election in 1865 £7,000 was spent in legitimate expenses; in 1868 the sum disbursed by both candidates for that purpose was under £4,000. It had been said that the day of election was marked by general drunkenness. That he entirely denied. He had seen the chief constable of Norwich and the deputy chief constable of Norfolk, and they both assured him that drunkenness was not at all general on the day of election, and that they had seen much more on many market and fair days. According to the police reports only three cases of drunkenness occurred, and the Adjutant of the 1st Norfolk Rifle Volunteers stated in a letter to him that he had been quartered in many garrison towns, and that he never saw a quieter or more orderly election, and though much about the entire day he could not call to mind a solitary case of drunkenness. The colonel commanding the Royal Horse Artillery at Norwich had also sent him a communication, in which the writer stated that he was particularly struck by the great quiet, good order and temper that prevailed in the town during the election, and that he had since frequently expressed his pleasure at finding that so much of the disorder, rioting, and drunkenness which formerly prevailed at elections had ceased to exist, and he concluded by observing that he had at all times found Norwich the quietest and best behaved town he had been in. If the Commission were issued, he believed that only some trumpery cases of bribery would be proved; and though he was not at all afraid that disfranchisement would follow he was anxious that Norwich should be spared the stain and stigma that the appointment of a Royal Commission would occasion. As to the three Commissioners, he would suggest that ample occupation might be found for them if they were instructed to make a digest of the different decisions of the Judges upon treating and agency, for the use of stupid Members of Parliament like himself. A Royal Commission was not required for the punishment of the guilty persons, for the evidence already collected was amply sufficient for a prosecution, and it would be a great hardship to inflict the pain, disgrace, and expense of a Royal Commission upon Norwich, where the ratepayers were already burdened with local taxes to the amount of half their rent. He appealed to the hon. Baronet opposite (Sir William Russell), who had represented Norwich in three successive Parliaments, to stand up, and either confirm or contradict the statement he (Mr. Read) had made. It was due to himself, to the constituency he represented, to the House, and to the country, that the hon. and gallant Baronet should do this.

MR. D. DALRYMPLE said, he thought that what had just fallen from the hon. Member for South Norfolk (Mr. Read) went a considerable way to justify the step taken by the Attorney General. He was not present at the last election for Norwich—he might fairly say he was better engaged in another borough—but he attended at the inquiry before the Judge, and he must say that, if there was one point more completely proved than another, it was the fact that Sir Henry Stracey was himself entirely free from any participation in the disgraceful proceedings which occurred at the last election. He, for one, regretted personally not to see the stalwart form of the hon. Baronet on the Benches opposite; but the regret was personal and not political, for he was not indifferent to the success of his party but he desired that the success should be obtained honestly and with clean hands. He thought there was a remarkable similarity between the elections of 1832 and 1868. On both occasions there had been a Reform Act, with a large addition to the constituency, and on both occasions the very first step of the Tory—or, as it was latterly termed, the Constitutional—party had been to try and bribe the new constituency. He had himself entertained high hopes of the political integrity of that body; and he saw with regret that the foul stream of electoral corruption had not ceased to flow. If any other means could be suggested by which to get at the bottom of the evil he should be glad to spare his native town the stigma and expense of a Commission and the possible consequences that might ensue. But if the remedy could not be attained by any other means he was prepared that a Commission should issue rather than have it said corruption had been going on for thirty-five years and no attempt made to put a stop to it. He could very well understand that in the minds of some hon. Gentlemen opposite there might be strong objections to the appointment of a Commission. When the political trigonometers went through the county of Norfolk they created a remarkably pleasant constituency called South Norfolk—it was a constituency in which not even the reeds were shaken the strong winds of democracy—and in case of the disfranchisement of Norwich it might be fatal to the Conservative interest to have an influx of the Liberals thrown in upon that bucolic constituency. It did not seem to him at all necessary that disfranchisement should follow. If there were disclosures as to who supplied the money on this last occasion, it would surely be competent for the Attorney General to prosecute those parties. He (Mr. Dalrymple) disliked disfranchisement, which involved the many innocent in the punishment of the few guilty. The parties bribed, as had been stated in the Report, were persons in the receipt of wages not higher than 10*s.* or 12*s.* a week. Now, if hon. Members had seen, as he had seen, the silent loom, the cold hearth, the empty cupboard, and the still more empty stomachs of such men as these, they would hardly blame them for taking the bribes offered. It was those who found the money and gave the bribes who were the real delinquents and deserved punishment. It was said only eight cases of bribery had been proved. That might be strictly true; but if Mr. Tillett had proceeded with the scrutiny there could be very little doubt that number would have been multiplied by eight, ten, or twenty. But a scrutiny cost nearly as much as a contested election, and they could, therefore, all very well understand why the scrutiny had not been pushed further than was necessary to demonstrate the existence of bribery as well as the agency employed in it. He did not think any measure short of a Commission would be effectual, otherwise he believed the Attorney General would have adopted it. The hon. Member for South Norfolk had read letters from various parties to the effect that Norwich had been very orderly, and that there was comparatively little drunkenness on the occasion of the last election; he (Mr. Dalrymple) also held in his hand letters from influential persons, clergymen, solicitors, and others belonging to both parties, who strongly urged that an effort should now be made to get rid of the stain which for so many years had rested upon the town, and he cordially echoed that sentiment, rejoicing, as he did, that the first opportunity he had of addressing that House was with a view to raise the standard of electoral morality in his native town.

Mr. GATHORNE HARDY: If there is one thing more desirable than another in inquiries of this kind, it is that they should be conducted in a spirit of impartiality and freedom from all semblance of party motive. Last Session, when an alteration was made in the system which had before prevailed, of trying election petitions, we endeavoured to obtain a tribunal that would be respected by the House and the country—a tribunal of which there would be no possibility of saying that it was affected by the partiality which attached to Committees, which, in many cases, did not deserve the imputation. We endeavoured to get rid of the difficulty by having the Judges to preside at those trials, who are to make a Report to this House, and, that Report having been made, there remained the question of the course to be taken in order to give effect to it. There is at present no public prosecutor, no Committee sitting that can initiate proceedings after the inquiry, and therefore that duty is devolved on the Law Officer of the Crown, who very properly comes forward as a *quasi*-judicial officer, and, placing the case before the House in connection with the Report of the Judge, moves for the issue of a Commission. It seems to me we ought to act on the Report of the Judge. The Judge reports, in the express terms of the statute, that bribery was proved to exist, and that he has reason to believe that bribery extensively prevailed, and the Act of last Session provided that on such a Report we should address Her Majesty to issue a Commission to inquire. In this case there can be no dispute as to facts. The learned Judge purposely inserted these words in his Report with a view to call the attention of the House to the circumstances that came before him, and impressed his mind with the necessity of full inquiry. The learned Judge said there was a necessity for inquiry, and the Attorney General therefore comes forward in a *quasi*-judicial capacity to initiate the proceedings. When that has been done —when the Judge reports in the terms of the Act of last Session, and when a Motion is made, as in the present instance, by the Attorney General, we ought, I think, in order to avoid all painful discussions, to act in accordance with the Judge's Report. The whole of the facts are not gone into before the Judge; there is no occasion for a party to the proceedings to go further than he thinks necessary for his own objects; but the Judge has seen reason to ask the House to go further, and, relying on his Report, and the action of the Attorney General, I think it is our bounden duty to accept the recommendation of the Judge.

Sir WILLIAM RUSSELL, as representing the city of Norwich for the third time, desired to state that after the year 1859 it was determined by both parties to avoid all corrupt influences, and that determination had been religiously carried out by the Leaders on both sides. At the next election not a farthing, he believed, had been spent; and on the last occasion the Judge had given his opinion that, as far as the Liberal candidates were concerned, no money whatever had been spent. As far as the Conservative party was concerned, up to the middle of the day he did not believe one single farthing was spent; and after that time what was spent was by two, three, or four private individuals, entirely without the knowledge of Sir Henry Stracey, and to a very small extent. The present was not a question on which, as a Member for Norwich, he could venture to give an opinion. He left that entirely to the House, but having been called on to state what he knew of the facts he had done so as well as he could.

Mr. HOWES said, he hoped to represent his present constituency for many years, but he trusted that he should not have the pleasure of receiving so large an addition to their numbers as would be the consequence of disfranchising the city of Norwich. The constituency of South Norfolk already numbered 8,000 voters, and that was quite a sufficient burden on the shoulders of any representative. After what had fallen from the right hon. Gentleman (Mr. Gathorne Hardy), it was not for him to oppose the Motion before the House; at the same time he must express his regret that greater pains were not taken to inquire into the errors that were said to have been committed. He would make no reflections on the ruling of the learned Judge who tried the petition, but it was a mistake to assume that the Liberal candidate was the favourite and popular candidate. On the contrary, he did not believe there was a more unpopular man in Norwich than Mr. Tillett, although, no doubt, much of this was due to the share he had in the petition. All parties were agreed that Sir Henry Stracey was perfectly innocent of any participation in corrupt practices. At the same time it could not be denied that some of his supporters had bribed to a certain extent. He believed, however, that the amount spent in bribery was exceedingly small, and that the number of persons who had accepted bribes was also very limited. Now, if a Commission were appointed, and it should be found that there had after all been only a few cases of bribery, and that the sum given did not exceed 2*s.* 6*d.* per man, the effect would only be to throw ridicule upon the appointment of a Royal Commission, and to leave a strong sense of injury on the minds of the inhabitants, who would be saddled with the expenses, not one farthing of which would fall upon the guilty parties. He might pursue these remarks much further, but after the opinion expressed by his right hon. Friend, he should not oppose the Motion.

Question put, and *agreed to.*

Resolved, That an humble Address be presented to Her Majesty, as followeth:

Most Gracious Sovereign,

We, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, beg leave humbly to represent to Your Majesty, that Sir Samuel Martin, knight, one of the Barons of the Court of Exchequer, and one of the Judges selected for the trial of Election Petitions, pursuant to the Parliamentary Elections Act, 1868, has reported to the House of Commons, that corrupt practices did prevail at the last Election for the City of Norwich, and that there is reason to believe that corrupt practices did extensively prevail at the said Election.

We therefore humbly pray Your Majesty, that Your Majesty will be graciously pleased to cause inquiry to be made pursuant to the Provisions of the Act of Parliament passed in the sixteenth year of the reign of Your Majesty, intituled, " An Act to provide for more effectual inquiry into the existence of Corrupt Practices at Elections for Members to serve in Parliament," by the appointment of George Morley Dowdeswell, esquire, one of Her Majesty's Counsel, Horatio Mansfield, esquire, Barrister at Law, and Robert John Biron, esquire, Barrister at Law, as Commissioners for the purpose of making inquiry into the existence of such corrupt practices.

Address to be communicated to The Lords, and their concurrence desired thereto.

VALUATION OF PROPERTY (METROPOLIS) BILL. [BILL 12.]

(*Mr. Goschen, Mr. Arthur Peel, Mr. Ayrton.*)

SECOND READING.

Order for Second Reading read.

Motion made and Question proposed, "That the Bill be now read a second time."—(*Mr. Goschen.*)

MR. HENLEY said, he had no intention of opposing the second reading of the Bill, but he thought the principles laid down in it were so serious that it was well to make some observation upon it. No doubt there was a very considerable impatience—he would not say whether it was ignorant or intelligent—of the present system of local taxation, not to say of Imperial taxa tionalso , but if that impatience was felt now, this Bill would multiply it a great deal more, if the view he took of its probable effects was correct. He could conceive nothing more likely to worry the ratepayers than the fact that there would be a continued agitation, every three years certainly, with respect to the amount at which they were to be assessed to their local burdens. He believed there was quite as much irritation caused by the worry of these assessments as by the payment of the burden. The right hon. Gentleman the Prime Minister would bear him out in that, as he must remember the agitation which existed when the amount of the income tax had been uncertain. That Bill proposed an entire change in the mode of assessment. It endeavoured to set up a common base for the income tax, the house tax, and local burdens. He thought the House was agreed that in so far as local burdens were concerned the great thing they wanted was equality—fairness and equality, so that all persons should be taxed alike. In regard to the Queen's taxes, on the contrary, the Government wanted the utmost farthing that could be raised. If a man paid a very extravagant rent for his house for any particular purpose of his own, it was quite right that the person who received that rent should pay every sixpence in the pound, or whatever the amount might be. If, however, the principle were once to be applied to the assessment of the local rates, it would be more difficult than at present, if it would not be impossible, to obtain equality. He asked the House to consider for a moment how it was attempted in this Bill to carry out the new system. They had got a very complex machinery set up by it, but it resolved itself into this—that the assessment which was to be virtually for local taxation and for the Queen's taxes at one and the same time was really to be made by the surveyor of taxes, with an appeal only to a Government nominee. He could not say whether the system was a right or a wrong one; but it was at least entirely novel, and a complete subversion of every principle that had attained heretofore in regard to the assessment of local rates and taxes. The machinery proposed by the Bill was this—In the first place, the overseer was to make a valuation list; that valuation list was to be sent within a given time to the surveyor of taxes, and to a body now to be called into existence, called the Assessment Committee. To this Assessment Committee persons who thought themselves not properly treated, might appeal; but the Committee was bound by the statute—whatever valuation the overseer might have made—to put the assessment at the figure which the surveyor of taxes sent to them. A ratepayer, moreover, had only seven days' notice within which to prove the negative of what the surveyor of taxes had put on the list. Was it reasonable that a man, in such a place as London, should be required to prove a negative of that kind within seven days? He could only do it by the aid of surveyors, and everybody who knew what conflicting opinions surveyors expressed as to valuations, would agree with him that this space of time was neither fair nor sufficient. That, however, was not all. If the parties were not satisfied with the decision of the Committee they might have another appeal to a new officer, to be paid partly by the ratepayers and partly by the Crown, but he would be the direct nominee of the Crown, and would be subject to no engagement, for he was not to be sworn to do justice between the Crown and the ratepayers. In this case also the appellant would have to prove the negative, instead of the Crown being required to prove the affirmative of the assessment, thus involving him in further trouble and expense. He contended that this machinery was not only complex, but unnecessary. Why, if they were determined to take this principle, should they not adopt the simple course of letting the surveyor of taxes take upon himself the whole labour and expense of making the assessment, and give a proper and fair appeal against the assessment? What was the use of imposing upon the overseers all this trouble, and giving the ratepayer an appeal first to the Assessment Committee, and then to the nominee of the Crown? He could not conceive that such a course was likely to relieve that impatience of taxation which was now so largely felt. How would this work? There was another little addition to the matter, and that was that there should be in the case of certain classes a scale fixed upon which the differences between the rateable value and the gross income should be calculated. The house tax, as they all knew, commenced at rents of about £20 a year. In the proposed classification houses under £20 a year were to be put into a separate class, and to be allowed a deduction of 25 per cent from the gross value, whilst above that amount a deduction of not more than 10 per cent was to be allowed. See what power the Government surveyor would have in the case of houses rated at £18 a year. *Sic volo sic jubeo*—he might put all these wretched people up to £20, thus not only subjecting them to house tax, which was a comparatively trifling matter, but, instead of having 25 per cent off, they would thereafter have only 10 per cent. The power exercised by the Government surveyor would be exercised without any correlative security by way of appeal, for an appeal to an officer nominated by the Government would not be an appeal in any sense. This point would want careful consideration in Committee, and he feared that in the matters he had mentioned the Bill was vicious in principle. The attempt to get a common base for these things would give trouble, and at the same time you would fail in getting an approximation to the truth. All these assessments were only approximations to the truth, and in the endeavour to attain to greater perfection you would worry people from year to year, and bring about at last an impatience of paying very much like what existed fifty or sixty years ago, when he remembered a caricature representing a dustman as saying he would never pay any more taxes, for the House had knocked off £16,000,000 of income tax in one year. If they took away the independent tribunal to which people had now the power of appealing, they would produce a general dislike to paying taxes such as did not exist at present. He only made these general observations now, and would be prepared to refer to the question again when the Bill came before the House on a subsequent occasion.

Mr. W. H. SMITH said, that as one of the metropolitan Members, he must trouble the House with a few observations in respect to the measure. He hoped the President of the Poor Law Board (Mr. Goschen) would let the House know precisely what it was doing in agreeing to the second reading of the Bill. It was a Bill full of provisions of very great importance, which were new to the metropolis, and which had excited great interest and some alarm. Under those circumstances the representative bodies of the metropolis, the several vestries, had expressed a strong desire that the second reading of the Bill should not be pressed at that time. He believed, however, that the great majority of those bodies were very strongly in favour of a common basis of rating, and were anxious to arrive at some settlement of the question by which equal justice might be done to the different parishes in the metropolis, by an arrangement which would be common to all. If it was understood that nothing more than this principle of a common basis of rating, which might be arrived at in Committee, was implied by an assent to the second reading of the Bill, he apprehended that there would be very little opposition to it upon the present occasion. But there would be very considerable opposition, no doubt, raised to the mode by which that principle might be sought to be arrived at when the Bill was discussed hereafter. A strong feeling had been expressed in some quarters that the property tax return was the proper basis of taxation both for local and for Imperial purposes. He would not venture to say that this was an opinion that was generally entertained, but it was at least a point from which discussion might very well start, and from which some arrangement might be made. He would, therefore, venture to hope that the right hon. Gentleman the President of the Poor Law Board would give them an assurance that, in agreeing to the second reading of the Bill, they did not bind themselves to anything more than the general principles upon which it was founded.

Mr. LOCKE said, that strong representations had been made to him that it was extremely inconvenient to the different vestries that the Bill should be read a second time that evening, as for the most part they had not had the opportunity of discussing it. He hoped his right hon. Friend the President of the Poor Law Board would, in accordance with the suggestion of the hon. Member for Westminster (Mr. W. H. Smith), consider that, although the Bill was now read a second time, the House was not committed to the principle of it, and simply assented to the proposition that they should have an equalization of the basis of rating. He did not think that at present the Bill could be properly discussed, and he hoped the Committee would be fixed at some distant day, so that on going into Committee they might have a full discussion of it.

Mr. GOSCHEN said, he should have given the assurance desired by the hon. Member for Westminster (Mr. W. H. Smith) when he moved the second reading — that in assenting to that Motion no one would pledge himself to the details of the measure; but he thought it better to postpone that explanation to the end of the debate, because, if he stated it at the beginning, he could not now reply. He cheerfully acceded to the wish expressed, that if the House should now read the Bill a second time, it would be understood that what the House had agreed to was the general principle that equalization of assessment was most desirable, without committing themselves to any of the details of the measure. Of course, there would be considerable difference as to the best mode of arriving at the result which all desired. He believed there was a general feeling that it was most important to bring the question to a satisfactory settlement, and that whatever might be the difficulties in the way of a perfect measure, at all events the present state of things was so unsatisfactory that it was the duty of Parliament to put an end to it. He had been anxious that the measure should be discussed to-night, for the state of Public Business was such that, unless every available opportunity was taken now for such discussion, hereafter it might be difficult to find an opportunity. He regretted, therefore, that it should be necessary to defer the discussion of the details. But he hoped that the more time was given for the consideration of these details, the greater was the prospect of arriving at a speedy and satisfactory settlement respecting them. Meanwhile, the Government would cheerfully entertain all suggestions for amending the Bill, as long as the general principle was maintained—namely, that there should be uniformity of assessment. He trusted that the House would support the Government in passing the Bill this Session, and he hoped that the delay which seemed inevitable would not endanger that object, because he was sure that, considering the large amount of taxation in the metropolis, persons over-assessed would have great reason to complain if Parliament did not this Session pass a measure which he believed was almost as urgent as any which could occupy their attention.

Mr. LIDDELL said, he regretted that they had not had an opportunity to discuss this Bill, which involved large and extensive changes in the mode of assessment. He feared that the House was sliding into rather an inconvenient course by assenting to any definition of the principle of the Bill, for it seemed to him that the mode by which they were to obtain a common basis of value really constituted the principle of the Bill. The country had as yet had no opportunity of considering the important changes proposed to be made in the mode of assessment by this measure, and therefore he deprecated the House giving a general assent to the principles involved in the measure, by reading the Bill now a second time, with the idea of altering or rejecting all or any of its provisions in Committee.

Motion *agreed to.*

Bill read a second time, and *committed* for *To-morrow.*

ENDOWED SCHOOLS BILL.

MOTION FOR A SELECT COMMITTEE.

Mr. W. E. FORSTER moved that the Select Committee on Endowed Schools Bill do consist of twenty-one Members.

Mr. CRAWFORD said, it was always an ungracious thing to object to the composition of a Committee; but this Committee had raised much opposition on the part of those whom he represented. Perhaps there was no constituency in the kingdom that was more likely to be affected by this Bill than that which he represented, and yet there was not a single representative for the City whose name appeared on the Committee. It was true his right hon. Friend (Mr. W. E. Forster) had asked him to be a Member, and that he had declined on account of the pressing nature of other duties. But he had a Colleague, an Alderman of the City, and a member of more than one of the City companies; a man of great knowledge of the subject, and who was therefore well able to take part in the labours of the Committee. He therefore gave Notice, that he would to-morrow move that the number of Members be twenty-two, and that his hon. Colleague (Mr. Alderman W. Lawrence) be added to the Committee.

Mr. COLLINS remarked that the great majority of the Members who had been nominated to serve upon this Committee appeared to have been taken from the front Benches on either side of the House. He found that of the Conservative Members, six had formerly been Ministers. It would have been more satisfactory if the list had contained more names of Members below the Gangway, who took an interest in this subject. He should wish that the name of the hon. Member for Whitehaven (Mr. Bentinck) should be added to the list.

Mr. W. E. FORSTER said, he hoped the House would give him credit for having taken the utmost pains to form the Committee impartially from both sides of the House, and from those who took an interest in the question. He was aware that it was desirable to have a Member from the City on the Committee, as the Bill materially affected the interests of the companies; and, with that view, he had asked his hon. Friend (Mr. Crawford) to be on the Committee. He would have proposed another name, but he had been led to believe that the hon. Member for Sussex (Mr. G. B. Gregory) was closely connected with the companies of the City. As to the remarks of the hon. Member for Boston (Mr. Collins), he must be aware that ten Members were taken from his side of the House.

Mr. COLLINS replied, that although such was the case, still the greater number were taken from above the Gangway.

Motion *agreed to.*

Select Committee to consist of Twenty-one Members:—Mr. William Edward Forster, Sir John Coleridge, Mr. Walpole, Mr. Acland, Mr. Mowbray, Mr. James Howard, Mr. Adderley, Mr. Buxton, Sir John Pakington, Mr. Melly, Sir Stafford Northcote, Mr. Walter, Sir John Hay, Mr. Parker, Mr. George Gregory, Mr. Winterbotham, Mr. John Talbot, Mr. Jacob Bright, Mr. Beresford Hope, Mr. Dillwyn, and Mr. Goldney:—Five to be the quorum.

REGULATION OF RAILWAYS ACT (1868) AMENDMENT BILL.

LEAVE. FIRST READING.

Mr. SHAW-LEFEVRE, in rising to move for leave to bring in a Bill to repeal so much of "The Regulation of Railways Act, 1868," as relates to the approval by meetings of incorporated

Railway Companies of Bills and Certificates for conferring further powers on those Companies, stated, in explanation, that ill consequences had arisen from the operation of one clause in the Bill of last year, by which smaller companies were prevented from coming before Parliament where larger companies who had an interest in their line wished to oppose them. He had consulted with the Chairmen of Committees in both Houses, and at their instance he had brought forward the present Bill.

Motion *agreed to.*

Bill to repeal so much of "The Regulation of Railways Act, 1868," as relates to the approval by meetings of incorporated Railway Companies of Bills and Certificates for conferring further powers on those Companies, *ordered* to be brought in by Mr. LEFEVRE and Mr. JOHN BRIGHT.

Bill *presented,* and read the first time. [Bill 62.]

BRIDGWATER ELECTION.

MOTION FOR AN ADDRESS.

THE ATTORNEY GENERAL moved that an humble Address be presented to Her Majesty as follows:—

"Most Gracious Sovereign,

"We, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, beg leave humbly to represent to Your Majesty, that Sir Colin Blackburn, knight, one of the Judges of the Court of Queen's Bench, and one of the Judges selected for the trial of Election Petitions, pursuant to the Parliamentary Elections Act, 1868, has reported to the House of Commons, that there is reason to believe that bribery extensively prevailed at the last Election for the Borough of Bridgwater.

"We therefore humbly pray Your Majesty, that your Majesty will be graciously pleased to cause inquiry to be made pursuant to the Provisions of the Act of Parliament passed in the sixteenth year of the reign of Your Majesty, intituled, 'An Act to provide for more effectual inquiry into the existence of Corrupt Practices at Elections for Members to serve in Parliament,' by the appointment of William Forsyth, esquire, one of Her Majesty's Counsel, Thomas Chisholm Anstey, esquire, Barrister at Law, and Charles Edward Coleridge, esquire, Barrister at Law, as Commissioners for the purpose of making inquiry into the existence of such corrupt practices."

Address to be communicated to The Lords, and their concurrence desired thereto.

The hon. and learned Gentleman said that after the remarks which had been made by the right hon. Gentleman the Member for Oxford University (Mr. G. Hardy) on the Norwich case, it would not be necessary for him to go into the subject at any length. The right hon. Gentleman said that whenever a learned Judge reported in terms of the Act that corrupt practices had prevailed, the House ought to act on the opinion of the Judge and issue a Commission. In this case the learned Judge had reported in terms of the Act that he had reason to believe that corrupt practices did extensively prevail at the time of the last election. The case was very similar to that of Norwich, except that, in this case, the bribery was exercised on behalf of the Liberal candidates, though the Judge reported that there was no reason to implicate them in the bribery. The learned Judge, in his summing up, said the evidence had satisfied him that there was a portion of the electors going about the town, and making inquiries whether anything was going; whether any stuff was going, and so on; and he was further satisfied that hopes were held out to them that, if anything was going, those who voted early would be paid the same as those who voted later. The consequence was that, while only seventy-four votes were polled for Mr. Westrop, the Conservative candidate, between one and four, the votes on the Liberal side rose from 465 to 731 during the same period, and the learned Judge added it was impossible to resist the conclusion that these numbers were procured by bribery. He (the Attorney General) must add that Bridgwater was an old offender against the bribery laws; that it had been reported on by more than one Committee of the House; and that one Committee reported they had reason to believe bribery did extensively prevail. He hoped, therefore, the House would accede to his Motion.

Motion *agreed to.*

House adjourned at a quarter after Six o'clock.

HOUSE OF COMMONS,

Friday, 2nd April, 1869.

MINUTES.] — NEW MEMBER SWORN — Major George Gustavus Walker, *for* Dumfries County.

SELECT COMMITTEE—Turnpike Acts Continuance, *nominated.*

SUPPLY—*considered in Committee*—NAVY ESTIMATES.

PUBLIC BILL — *Select Committee* — Endowed Schools [3], Sir John Hay *discharged,* Lord Robert Montagu *added.*

CIVIL SERVICE ESTIMATES.

QUESTION.

Mr. NEVILLE-GRENVILLE said, he wished to ask the Secretary to the Treasury, When the Civil Service Estimates will be issued?

Mr. AYRTON said, in reply, that he hoped the Civil Service Estimates would be printed, and be in the hands of Members, within ten days or a fortnight from that date.

OFFICIAL SALARIES.—QUESTION.

Mr. WHITE said, he would beg to ask the First Lord of the Treasury, Whether he has any objection to directing that the Salaries and Expenses of the office of the Secretary of State for Foreign Affairs (Class 2), Consuls Abroad, &c. (Class 5), with the Salaries and Pensions of the Diplomatic Service, hitherto paid out of the Consolidated Fund, with Cost of Buildings (Class 1) and proportion of Secret Service Money, and all ordinary or extraordinary items of expenditure, should be so arranged as to exhibit in one Estimate the total annual cost of our Diplomatic and Consular Services?

Mr. GLADSTONE, in reply, said, he presumed the Question of his hon. Friend was not meant to relate to the Estimates for the present year, which were so far advanced that no change could well be made in them. As his hon. Friend was aware, it was impossible to give the various items of expenditure embraced in the Miscellaneous Estimates in a manner which would be perfectly clear and satisfactory in every point of view. If all the subordinate charges connected with the several offices named were set forth, confusion rather than the contrary would be the result. At the present moment he could not reply in full to the Question of his hon. Friend, which could be best answered when the Votes to which it referred came on for discussion.

PRESERVATION OF ANCIENT MONUMENTS.—QUESTION.

Sir HARRY VERNEY said, he wished to ask the First Commissioner of Works to consider, Whether measures can be adopted to place the ancient monuments now existing in this Country under the protection of some authority which may prevent their destruction?

Mr. LAYARD: Sir, the subject of my hon. Friend's Question is one of considerable importance. Not only have many Royal and other interesting historical monuments in our cathedrals and churches been removed from their original places, injured, or suffered to fall into decay, but monuments of great national as well as archæological value have been irreparably injured and even wontonly destroyed. This state of things is not creditable to the country. In France and elsewhere measures have been taken by the Government to preserve and maintain such monuments, as forming part of the property of the nation. Since I have held the Office which I have now the honour to fill, my attention has been seriously directed to this matter. There are, as my hon. Friend well knows, great difficulties in dealing with it in this country, especially those connected with what might be considered as interference with private rights and property—for instance, as in the case of the destruction, only recently, of a highly curious and interesting ancient monument in Cornwall, an act of vandalism which, if what I have read in the newspapers be true, one would have scarcely thought possible in these days. After fully considering the subject, I have thought it advisable to turn my attention, in the first place, to Royal and other historical sepulchral monuments, some of which have been injured, removed, opened, and otherwise interfered with even of late years. The first step is to obtain a list of such monuments as it might be desirable to place under public protection. With this view I addressed a short time ago a letter to the Society of Antiquaries, requesting their assistance in preparing such a list. My request has been met in the most cordial spirit by the distinguished President of the Society, Lord Stanhope, and by its members. They have taken steps which, I trust, will enable me to obtain such a list as will permit me to submit to the House some proposal for the protection of these monuments which may meet with its approval, or, at any rate, to invite its views and opinions upon the subject. If I find it possible to effect the object I have in view with regard to sepulchral monuments in our cathedrals and churches, I would endeavour to ascertain whether some means might not be found to extend the same protection to other monuments of national and historical interests and importance.

COMMUNICATION ON RAILWAYS.
QUESTION.

MR. PALMER said, he wished to ask the President of the Board of Trade, Whether the rope system which the Board of Trade has sanctioned for communicating in Railway trains between the passengers and the Company's servants in charge of the trains is by means of a rope carried outside the carriages, and whether the passengers will be obliged to reach out of the carriage window to use such rope; and, if so, why a rope on the outside of the carriages has been sanctioned in preference to a rope carried through the inside of the carriage; and, whether he will lay upon the Table the Papers relating to the sanction given by the Board of Trade to a rope system?

MR. BRIGHT said, in reply, that the system which had been sanctioned by the Board of Trade was the one in which the rope ran outside the carriage. The window of the carriage being open, the rope was just outside on the top, and it was almost as easy to lay hold of it as if it were inside, its position being at the same time very much more convenient. As the House had already been informed, the system had been adopted on the recommendation of a most influential committee of the intelligent managers of our most important railways, and the Board of Trade felt that it would be but fair to give a trial to a system which the managers believed would be sufficient, which they were all perfectly willing to adopt, and which he himself thought would be found to be all that would be necessary. The railways south of London which did not run carriages in connection with the northern lines were adopting—at least some of them, the South-Eastern being one—an electric system, which had also been sanctioned by the Board of Trade; but wherever companies ran their carriages on lines on which the rope system was sanctioned then they would be requested to adopt the same system. As to Papers on the subject he hoped the hon. Gentleman would not think it necessary to press for their production, as many scores of communications relating to something like 200 inventions had been sent to the Board of Trade. Any Papers which the hon. Gentleman might like to see he could have access to by calling at the Board of Trade.

ABYSSINIAN EXPEDITION.—QUESTION.

VISCOUNT ENFIELD said, he would beg to ask the First Lord of the Admiralty, Whether the crews of the Hospital Steam and other Transports engaged in the late Abyssinian Expedition are not entitled to receive the donation Batta for their services; and, if not so entitled, whether he would state the grounds for such refusal?

MR. CHILDERS said, in reply, that on the 15th of June, 1868, the Treasury informed the Admiralty that a six months' Batta donation would be granted to the troops and naval forces engaged in the Abyssinian Expedition. No authority, however, was given to give Batta to the merchant seamen. The charter parties under which ships were engaged as transports contained no stipulations as to the wages of their crews, which were paid by the shipowners, Government having nothing to do with them.

CONSOLIDATION OF THE STAMP ACTS.
QUESTION.

MR. CRAWFORD said, he would beg to ask Mr. Chancellor of the Exchequer, Whether any steps have been taken at the Treasury for the Consolidation of the Stamp Acts?

THE CHANCELLOR OF THE EXCHEQUER said, that the Solicitor of the Board of Inland Revenue was now engaged in consolidating the Stamp Acts, and he hoped the work would be completed in time to legislate on the subject either at the end of this or at all events at the beginning of the next Session of Parliament.

FENIANISM IN AUSTRALIA.
QUESTION.

MR. NEWDEGATE said, he wished to ask the Under Secretary for the Colonies, When the Papers relating to O'Farrell, consisting of a copy of leaves from O'Farrell's diary; a report of some conversations between the Colonial Secretary and the late prisoner, several declarations in the nature of affidavits in support of the genuineness of the Papers, and an explanatory minute by Mr. Parkes, in his then capacity of

Colonial Secretary, which documents had been presented to the Legislative Assembly of Australia, and which Papers the Under Secretary for the Colonial Department on the 19th of March stated he would lay upon the Table of that House, will be in the hands of Members?

Mr. MONSELL replied that if the hon. Member would move for the Papers they would at once be laid on the table of the House.

Mr. NEWDEGATE: Am I to understand that the right hon. Gentleman withdraws his promise to present the Papers?

Mr. MONSELL: The hon. Member cannot, I think, have clearly understood my answer. The Papers are ready; and if he will move this evening or Monday for them, they will at once be laid on the table of the House.

Mr. NEWDEGATE: Am I to understand that the right hon. Gentleman declines to present the Papers on the part of the Government in accordance with his promise of the 19th of March?

Mr. MONSELL: Certainly. The Government have no desire to lay these Papers on the table, as they do not consider that any object would be gained by the adoption of that course. If, however, the hon. Gentleman desires to see them, and will move for their production, they shall be laid on the table.

Mr. NEWDEGATE: I will defer any further allusion to the matter until the Motion for going into Committee of Supply.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

CIVIL SERVICE APPOINTMENTS.

OBSERVATIONS.

Mr. BUXTON said, he rose to call attention to the Treasury Minute, dated November 30, 1868, stating that—

> "Promotion by merit is the established rule in the Civil Service, and to every young man who becomes the servant of the Crown in the Civil Service, a way is opened to independence and even eminence,"

in reference to the recent appointment of the Deputy Master and Comptroller of the Mint. He had not brought this subject forward with the view of complaining of an individual grievance. The question he wanted to raise was a broad one, and one of great public interest. That question was, whether in the Civil Service they were to have promotion by merit or promotion by favouritism; whether that admirable Treasury Minute which he had just read was to be obeyed and enforced, or to be trampled upon and defied; whether, in short, the higher appointments in the Civil Service were to be looked upon as the perquisites of the leading Statesmen of the day, to be given by them to their private friends and dependents, as a reward for services to themselves, or whether they were to be filled by the most competent men that could be found to take them, and wherever it was possible were to be given as rewards of long and faithful and efficient service in more subordinate positions. That was the question he wished to bring before the House. He regarded the particular case to which he should refer as a mere illustration, and he might say at once that he had not the slightest personal interest of any sort or kind in the matter. Till yesterday he had been wholly unacquainted with the gentleman whose just claims had, in his opinion, been so rudely set aside; but it happened that all the circumstances became known to him (Mr. Buxton), and he thought that, however disagreeable the task might be, he ought not to shrink from inviting the attention of the House and of the country to this case, in hopes that thereby a stop might be put to what was, he owned, a very common but not the less mischievous interference with the proper course of promotion. He was anxious at the same time to observe that he had no intention of casting the smallest possible slur on the young gentleman who had received that appointment. Nothing, it appeared to him, could be more absurd than to blame the person who was appointed to an office for having accepted it. The blame, if blame there were, rested altogether on those who gave it to him. It would be ridiculous to expect him to go through the process of weighing his own claims against those of others, and deciding against himself. No responsibility, therefore, could rest with the young gentleman to whom he had alluded. But he would undertake to show that the office in question was one singularly requiring a long training and experience, and that there was a public servant in every respect suited for it, and who had a peculiarly strong claim to receive it, but that he was thrown aside and the place given away to a gentleman who had no claim at all upon the public, but only on the late First Minister of the Crown personally, and who was absolutely without that technical knowledge and experience which in this case were necessary for the satisfactory discharge of the duties. He must now trouble the House with a statement of what those duties were. They were extremely multifarious, but he would only mention a few of them. In the first place, the Deputy Master had to see that the various operations of melting and coining were carried on with efficiency and without material loss to the public—a point of great importance and absolutely requiring long training. Again, he had to see that the money was properly coined and issued to the public with accuracy as regarded both weight and fineness. Again, as Comptroller he had to take charge of, and become responsible for, all the bullion brought into the Mint for coinage, and it rested with him to issue all moneys to the public. He had to calculate the value of the bullion, and see at all times that the public interest was taken care of. He had to compute the seignorage on the silver and bronze coinage and pay over the proceeds to the Consolidated Fund. He had to supervise the account for the Mint office, and generally to keep a check on expenditure. He had to take charge of the coined pieces reserved for the general trial of the pyx; he had to see that the dies were kept in safe custody, and when worn out destroyed, as a safeguard against a surreptitious use of them. And, further, whenever the Master of the Mint was absent, the Deputy had to fill his place, and ought, therefore, to have been familiar with the whole management of the business of that important Department. The House could hardly fail to agree with him that this, then, was peculiarly a case in which it would have been right to advance a trained officer to this place, unless, indeed, there were some grounds for doubting his abilities. So far from that, there was a gentleman in the Mint of great experience, of high character, to whose efficiency the strongest testimony was borne by Sir John Herschel and others, and who actually had waived his claim to another office on a previous occasion upon the understanding that when this one should become vacant it would probably be placed at his disposal. He referred to Mr. Robert Mushet, the senior officer in the Mint-office, who had been at the head of the melting department for seventeen years, and had for thirty-six years been in the service of the Government. In 1851, when the Mint was reformed, several of the officers were much injured in their interests by the alterations then effected, and among them Mr. Mushet; but it was intimated that, as some compensation for the loss of these prospects, their claims for advancement would be duly considered when vacancies should occur in the higher offices. Of course, he should not for a moment say if Mr. Mushet was in any way incompetent that then he ought to have been employed; but very strong testimony to his competence was borne by him who, of all men, was fittest to judge of it—by Sir John Herschel. Sir John Herschel wrote to Mr. Mushet in September, 1868, to say that he had been informed that Mr. Mushet's claims to succeed Mr. Barton as Deputy Master and Comptroller of the Mint had been approvingly submitted to the consideration of the Lords Commissioners of the Treasury by the present Master of the Mint; and Sir John Herschel added—

> "This being the case, it appears to me no more than due that I should supplement whatever testimony he may have borne to your merits, conduct, and qualifications grounded on his experience, by my own as to your uniform efficiency, exactness, and devotion to your duties in the very responsible office you have filled since 1851, during my tenure of the Mastership."

And Sir John Herschel went on to say that, in addition, he considered that Mr. Mushet had a claim to promotion founded on the destruction by the reform of the Mint of his prospect of succeeding to a much more lucrative position than his present one. This, then, was undeniable, that the duties of the office were highly important, that they were of a peculiarly technical character, requiring thorough training and long experience in the Mint. It was equally undeniable that a thoroughly suitable man was there at hand, a man of great experience, a man who had very strong claims both on account of his acknowledged efficiency, his long service, and his acquiescence in the loss of still better prospects upon this understanding, that he was some day to be rewarded with this appointment. He (Mr. Buxton) could not imagine that any case could be a clearer one for the advancement of the subordinate to the place which he had so well earned. Well, what was actually done? Mr. Barton, the late Deputy Master of the Mint, having died last September, application was immediately made, supported, as he said before, by the Master of the Mint and by the late Master Sir John Herschel, on behalf of Mr. Mushet. No reply, however, was received; and the place was kept unoccupied for three months until the very eve of the retirement of the late Government from Office, and it was then given to a young gentleman, against whom he had not a word to say, but who had never set his foot in the Mint, and had no claim but that of having performed private services to the late Prime Minister. It was strange that just before this was done the Treasury Minute was issued, which stated positively that—

> "Promotion by merit is the established rule in the service, and to every young man who becomes the servant of the Crown in the Civil Service a way is opened to independence, and even eminence."

That Minute was intended to give a powerful stimulus to the Civil Service, by holding out definitely to the young men engaged in it that in future they might, by strenuous diligence, attain to positions of dignity; but the Minute would, of course, now be regarded as a simple mockery of those to whom it had been addressed. It was little less than an insult to use all these fine phrases to them when, on the very first occasion on which the rule could have been acted upon, it was treated with contempt by the very Government that had laid it down. Depend upon it a very few instances of that sort would be quite enough to damp the spirits, to sour the feelings, of the whole Civil Service. Nothing could do so much to invigorate the Civil Service as the hope amongst those engaged in it that they might in due time raise themselves by their diligence and efficiency to those higher posts that glittered above them. Nothing, on the other hand, could do so much to demoralize the Civil Service as the feeling that no matter how long, how faithful, how efficient their service may have been, yet at the last moment the prizes for which they had laboured might be snatched from them and thrown to some private connection of some great man, for whom a snug berth was wanted. He would only add his hope that in bringing this subject forward he should not have seemed to be guilty of any want of that respect which was so eminently due from every Member of this House to the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli). He certainly had not been actuated in the smallest degree by any party feeling, or by any personal interest; but when these facts came under his notice he thought that it would be something like cowardice if he shrank from the task, however disagreeable it might be, of bringing the question under the consideration of the House.

Mr. DISRAELI: The hon. Member for East Surrey (Mr. Buxton), entertaining the views he has expressed, is quite justified in bringing this matter before the House, but I am bound to tell the hon. Member that his observations really are a series of misapprehensions. He has very properly noticed the Treasury Minute of last November, and I am the last person not to stand by that Minute, —for which, indeed I am responsible, and which I approve in every particular; but in referring to that Treasury Minute the hon. Member should have pointed out to the House what was its leading subject, and should have explained that the passage he has quoted is only an incidental passage, though it expresses a sentiment in the soundness of which I entirely agree, that a career should always be open to real merit in the Civil Service. But the hon. Gentleman seems to have made the mistake of concluding that a career for real merit is to be insured only by sanctioning the claims of routine. In my mind that is a great error, and such a course would be far from being in agreement with the sentiments and views which influenced the drawing up of the Minute of November. The first misapprehension of the hon. Member consisted in supposing that the individual who was appointed to the Deputy Mastership of the Mint was not a member of the Civil Service. He is, on the contrary, an eminent member of that body. He entered it in his boyhood, and during the period which has elapsed since has much distinguished himself. Therefore, all that groundwork of the hon.

Gentleman's observations falls to pieces immediately; and if I show that the gentleman preferred to this post deserves to be so preferred, then all the argument of the hon. Gentleman that the claims of the Civil Service have not been recognized also falls to the ground. The next misapprehension on the part of the hon. Gentleman consists in supposing that the gentleman was appointed because he was, as the hon. Member describes him, "my political follower." When my conduct in so grave a matter as an appointment to a public post is involved, the House will, perhaps, permit me to enter into some details, which I will do as briefly as possible. It cannot, for a moment, be maintained that because this gentleman happened to be my private secretary he was my political follower. When a man holds at the same time the Office of Minister of the Crown and Leader of this House, he has the privilege of appointing two private secretaries; and properly so, for a Minister of the Crown, being also Leader of this House, has quite business enough for two private secretaries to transact. It is also the custom—but only a custom, though a wise one—that one of these private secretaries should be appointed from the office of which the Minister is the chief, and that appointment is made without reference to politics. I appointed, as one of my private secretaries a private friend; and with respect to the private secretary who was to be selected from the office, I did not make any immediate appointment. I wished that, what I may call the public opinion of the Treasury, should be consulted upon the matter, and I think a fortnight elapsed before I at length selected the gentleman who, according to the general voice of the members of the Treasury, was the most competent person for the post. Until that gentleman came into my room as my private secretary, I had not the honour of his acquaintance. What his political opinions are I did not then know, and, upon my honour, I do not know now. For six years he served as private secretary the right hon. Member for Cambridgeshire (Mr. Brand), who occupied, under the Governments of Lord Russell and Lord Palmerston, a very confidential and important office. I have no doubt that that right hon. Gentleman in appointing him did not inquire into his political opinions any more than I did, and I am sure that Mr. Fremantle served him with the same ability and faithfulnesss with which he served me. The hon. Member for East Surrey, therefore has fallen into two misapprehensions—first, in supposing that the claims of the Civil Service have been passed over, and secondly, in fancying that I, in appointing Mr. Fremantle to the office of Deputy Master of the Mint, was influenced in that act by a desire to appoint a political follower. I will now mention what really occurred. I will say that I never made a public appointment without wishing to place the best man in the post. It would have been most agreeable if I could have conscientiously preferred to the post now in question some political adherent or friend of my own, but before I made the appointment I entered into inquiries as to the nature of the duties of the office which I had to fill up. The result of those inquiries led to the conclusion that the general condition of the Mint was not a satisfactory one. It is a Department in a position of peculiar isolation, having very little connection with the great offices of administration, and there did appear to me to be a want of that official energy and that administrative skill which are, in the present day, absolutely necessary, and which ought always to be encouraged. Besides, it was placed before me, by those who ought to influence my opinion on such a matter, that it was of great importance that "new blood"—to use their expression—should be introduced into the office, and that a man by no means advanced in life, and who had had considerable experience in some great administrative Department—a Member of the Treasury, if possible—should be appointed. That being the case, I declared, after the representations made to me, that I should not make anything like a political appointment, and that I felt it my duty to select for the post the most competent person. With regard to Mr. Fremantle, I have no hesitation in saying that I regretted the decision he arrived at to leave the Treasury. That Department is at present in a most efficient state. The chief clerks of the establishment are, of course, men of great experience and abilities; but there is also a class of younger men rising in that Department, highly distinguished by their abilities and devotion to public business. For the sake of the

Treasury, I should be glad that these young men, all distinguished members of the Civil Service, should remain in that Department; but it would be rather a severe rule to lay down that these men, because they are so distinguished, should be shut out from these fair prizes which occasionally offer in the distribution of offices in the Civil Service. I did not decide hurriedly in the matter. Every claim was well weighed. The claims of the gentleman whom the hon. Member for East Surrey seems to think had been very much neglected were, I can assure him, duly considered. They were placed before me by the gentleman himself. He did full justice to his own claims. He is a very respectable man—a man of sufficient ability to place his claims in a telling and efficient manner before a Government; and they were impartially and anxiously considered. But my own opinion was that it was of great importance that fresh blood should be introduced into the office, and I did think if a gentleman from the Treasury were appointed it would be to the public advantage. The names of two or three gentlemen were considered, and ultimately Mr. Fremantle was appointed. Now, Sir, I have shown that the hon. Gentleman the Member for East Surrey was under a complete misapprehension in supposing that the legitimate claims of the Civil Service have been neglected, because Mr. Fremantle was a member of the Civil Service, and occupied so eminent a position in it that I did not think that, in a pecuniary point of view, his acceptance of the office would be to his advantage, losing, as he did, a considerable post in the Treasury. Secondly, I have shown that the hon. Gentleman was under another misapprehension in supposing that Mr. Fremantle was appointed to the office because he was a political adherent of my own. I acted, of course, entirely on my own responsibility, but after sedulous inquiry and on representations made to me by persons of position, that it was of importance that new blood should be infused into the Mint, and that, if possible, an officer should be appointed, experienced in Treasury business. It was not my intention to have made the slightest allusion to the Master of the Mint, whose name has, I think, unnecessarily been introduced by the hon. Member for East Surrey. The Master of the Mint is not a politician. He is an able and excellent officer. Everybody respects him, and he performs his duty with efficiency. I think nothing more unfair, even if guided by the head of a Department, to introduce his name in defence or vindication of any decision you have made on your own entire responsibility. Nothing, I repeat, was further from my intention than to name the present Master of the Mint; but I received a letter from him last evening conceived and written in a generous spirit, which he empowers me to read to the House if I like. I think, on the whole, I must decline that; but I may state thus publicly to the House that I have the authority of the Master of the Mint for saying that he entirely approves the appointment of Mr. Fremantle as Deputy Master of the Mint, and that he augurs from that appointment advantage to the public service.

MR. GLADSTONE: Sir, I think it only right on the part of the Government that I should say one word before this conversation closes. My hon. Friend the Member for East Surrey has been entirely vindicated by the right hon. Gentleman opposite for having, on what appeared to him good *primâ facie* grounds, challenged this appointment; and he has drawn from the right hon. Gentleman a full explanation of the circumstances. I confess, for my own part, I think that great advantage must result from Members of Parliament, as occasions arise, raising questions as to the mode in which Government may exercise their patronage, particularly when that is done, as it has been done by my hon. Friend the Member for East Surrey to-night, without any private interest in view and solely on grounds of advantage to the public service. While, therefore, it is clear from what the right hon. Gentleman has stated that no possible blame can attach to my hon. Friend — on the contrary, we feel obliged to him, for drawing attention to the subject—I am bound in fairness to say that I think the answer made by the right hon. Gentleman is and must be felt to be quite satisfactory. This appointment was, I think, both conscientiously and deliberately made; and it is only fair to say that the Treasury, in its capacity not so much as a political Department, but merely as an administrative Department, did before any appointment was made investigate the question whether this was an office fit to be filled by promotion from the Department, or whether it would not be more politic to fill it by the selection of some competent person from some other quarter. There is great truth, I think, in what has been stated by the right hon. Gentleman, that the Mint is a peculiarly isolated office. Requiring a good deal of technical knowledge, it is apt to assume that character. In making the selection of a competent person from another Department no charge is made against it; but, from the fact of its being an isolated Department, it is desirable from time to time to introduce into it gentlemen whose experience has been acquired in other though kindred Departments. I may add to what has been stated by the right hon. Gentleman, that he is not the first person who has made an appointment to this very office from another Department; because when the Mint was re-organized and a Deputy Master was appointed the office was filled, not by a selection from the Department, but by the choice of Captain Harness, a gentleman of great abilities, but whose experience was not acquired in the Mint. Therefore, Sir, I repeat, I am perfectly satisfied with the statement of the right hon. Gentleman's motives and proceedings in this matter.

NAVY—AFRICAN SQUADRON.—MOTION FOR RETURNS.

Mr. J. **LOWTHER** said, he rose to move the Address, of which he had given notice, for Returns of the Forces employed during each of the past twelve years upon the West Coast of Africa, together with the annual cost, the rate of mortality and sanitary condition of such Forces; of the number of vessels engaged in the Slave Trade (with their cargoes) which have been captured during the same period; and, to ask whether it is the intention of Her Majesty's Government to continue the employment of a British Force upon that coast? It was not his intention to refer at length to the circumstances which, in the first instance, led to the formation of these squadrons and their being kept up; he would rather address himself to the question whether the circumstances which suggested their establishment now no longer existed—whether they would not be justified in relaxing the exertions formerly made for the repression of the slave trade, which had so far ceased to exist. The first effect of the passing of the Aberdeen Act was to revive the slave trade, which had been on the decline for many years. In 1845 the slaves landed in Brazil numbered 19,000; in 1846, 50,000; in 1847, 56,000; in 1848, 60,000; in 1849, 54,000; in 1850, 23,000; and in 1851, 32,000. The repeal of the Act had been decided upon, and he would quote the testimony of Lord Clarendon in making the Motion for its repeal, who said that no attempt to land slaves had occurred in Brazil since 1855; while none had been landed in Cuba since 1866. They all knew that no more slaves would be brought into the United States. What end was served, then, by the maintenance of these squadrons on the African coast? During the last Administration the squadron was reduced, and the present First Lord of the Admiralty proposed still further to reduce the number of vessels on the West Coast of Africa to eleven, and the number of men to 1,000. It might be interesting to the House to know the risk to which these 1,000 men were exposed. He would not trouble the House with any "sailor's yarns," or information derived from private sources, but would quote from official Returns which had been laid upon the table. A Return of last year gave the average ratio of cases placed on the sick list for twelve years from 1856 to 1868—comparing the West Coast of Africa station with the Home station—as 1,999·7 per 1,000 on the former, and 1,041·8 per 1,000 on the latter, or in round numbers nearly two in one. The average ratio of invaliding was—on the African station 56·3 per 1,000, and on the home station 25·2 per 1,000, or more than double. The mortality was still worse. The average ratio of mortality on the African station was 28·2, and on the home station 8·5, or 3½ to 1. Facts like these ought to induce the House to pause before they continued to sanction a disposition of our squadron which was productive of so much injury, sickness, and death to our gallant forces. It was worth considering whether, if the whole cost of this squadron could not be entirely saved, they might not be employed more efficiently and usefully elsewhere. The longer the men were employed on this station the more liable they became to disease. The official Return of 1864-5 remarked upon the increase of invaliding from the average of 45·5, which had prevailed for seven years, to 70·9 per 1,000, as follows:—"This is accounted for mainly by the fact that almost all the vessels had been long employed on the station, and their crews were, in consequence, more or less completely broken down in health." It was also stated that "more than half of them were rendered unserviceable by fevers and their consequences." That being the case it could hardly be contended that the House would not incur great responsibility by continuing the employment of our sailors and marines, in such a service unless strong reasons could be urged in its justification. He was aware that considerable pressure had been brought to bear on successive Governments by those who were specially anxious to put down the slave trade. No one hated this inhuman and monstrous traffic in human flesh more than himself, and if any exertions by this country could effect any material good in stopping this traffic, without exposing our sailors to unreasonable sacrifices, he, for one, would not stand in the way of such exertions being made, but he doubted whether any justification could be urged for the sacrifices and loss of life now incurred. It had been a common thing for certain gentlemen to perambulate the country, in order to stir up a feeling and bring it to bear upon the Government to induce them to continue their exertions for the suppression of the slave trade. The country, however, must now be convinced that the slave trade existed, if at all, in so infinitesimal a degree on this coast, that it ought not to be asked to incur any further sacrifices in this cause. But the argument now fell upon deaf ears, and was not echoed beyond the tea-table or the Sunday-school. These gentlemen might now be left to pursue the business of agitation in other directions—such as perambulating the country, and heaping anathemas upon all those who quenched their thirst from any other source than the pump. The right hon. Gentleman the First Lord of the Admiralty (Mr. Childers) would entitle himself to the thanks of the country at large, as well as of the naval service, if he would interfere in this matter. The money question was subordinate to that of the lives and health of the force; but believing that the First Lord was a sincere economist, he would ask him whether an outlay which at one time amounted to millions of money, although it had happily been much reduced of late years, could be justified any longer? The right hon. Gentleman would earn a reputation by no means ephemeral, if he would abolish this outlay, and, what was of far more value, if he would save the lives now lost on this coast?

Colonel SYKES said, he agreed with his hon. Friend (Mr. Lowther), as to the unnecessary waste of life on that coast, but he would observe that the greater part of the information which his hon. Friend asked for had already been laid before the House, in obedience to an Order made upon his Motion. That Return showed the number of vessels employed on the station during the twelve years, the number of the crews, the mortality amongst the officers and men, and the number of slavers captured. He gave the First Lord of the Admiralty credit for the reduction which he had already made in the squadron. Whereas there were at one time twenty-eight ships on the coast, and subsequently twenty-two, there were only now to be eleven. That was, at all events, a step in the right direction; and as there was really no slave trade now carried on upon the West Coast of Africa, there was no reason why that number should not be yet further reduced.

Mr. CHILDERS: Sir, in reference to the first part of the hon. and learned Gentleman's Question, I must corroborate what has been stated by my hon. and gallant Friend (Colonel Sykes) that there is already on the table of the House a great portion of the information extending over the past twelve years that he desires to have. The number of vessels engaged and captured and a considerable amount of other information descriptive of the diminution of the slave trade have been published; but if, having referred to those Returns, the hon. and learned Gentleman requires a further Return, I will let him have it as an unopposed Return or move for it myself. In regard to the important question which he has brought before the House in so temperate a manner, the House will be gratified to know—and I speak officially on this subject, although with due reserve—that the slave trade on the West Coast of Africa may be deemed to have ceased. I will not venture to predict that this state of things will always continue, and no action of the Government on this subject could be decided upon without an *arrière-pensée* that the slave trade on this coast might again revive. I am happy to say, however, that virtually there is now no slave trade carried on upon the West Coast of Africa. The cessation of this traffic is due to a great many causes. It is out of the question that I should go into those causes on the present occasion, but one of them is the efficiency of the naval force on the coast, and this I ought to name. Others are political causes well known to hon. Members, but which it would be out of place to dwell upon. The fact, however, is that there has been a gradual diminution of the slave squadron on the West Coast of Africa during the last few years. Two years ago this question was raised in the House, and I took part in the debate on it. My right hon. Friend opposite (Mr. Corry) reduced the strength of the squadron in 1868, I think, to fourteen ships and 1,407 men. This year we propose to reduce it to eleven ships and 1,000 men; and we have in contemplation a yet further reduction, but what its exact extent may be we cannot tell until after proper communications have passed between the Admiralty, the Foreign Office, and the Treasury, and until further information is received as to the exact condition of our possessions upon that coast and the state of trade. It would be, of course, out of the question altogether to withdraw our squadron from the West Coast. The same protection must be given to our commerce there which we give to our commerce in all parts of the globe. We have ourselves upon that coast settlements of some importance, and their requirements and circumstances must, of course, be taken into account. But the great question of the slave trade will, for some time to come, at any rate, no longer form an element in the consideration of what force we are to keep. Bearing in mind that I am in communication with other Departments, the House will not expect me to enter further into details. I am very much obliged to my hon. Friend (Colonel Sykes) for having alluded to my wish in past years to make these reductions—a wish which I know was shared by my right hon. Friend opposite, and which no one, in fact, who has ever been at the Admiralty can refrain from entertaining; for we know that the real cost of the West Coast squadron is one not of money, but of the lives and efficiency of our seamen. In fact, from a strictly naval point of view, that squadron is one which can never be popular with First Lords of the Admiralty. I thank my hon. Friend opposite for having introduced the Motion, and I believe that next year I shall be able to make a statement on the subject which will be entirely satisfactory.

Mr. CORRY said, that the necessity for maintaining a squadron on the West Coast of Africa had always been a subject of serious consideration to him, on account of the great mortality and sickness prevailing on the station. His hon. and learned Friend (Mr. J. Lowther), in adverting to the subject had very properly said that a great deal of that mortality arose from the length of time that ships were kept upon the station. When he went to the Admiralty two years ago, he found that several ships were in a dreadful state from being kept there long, and one of the first things he did was to shorten the service of the ships upon that station from three, or even four years to eighteen months—a step from which great benefits had resulted. At the same time, he trusted that his right hon. Friend would reduce the squadron to the smallest possible limits, consistent with the maintenance of British interests in that part of the world.

Mr. KINNAIRD was very glad to have the testimony of successive First Lords of the Admiralty to the efficiency of the squadron in putting down what the people of this country, to their credit, regarded as an abominable traffic. His hon. Friend (Mr. J. Lowther), said that the number of slavers captured bore no proportion whatever to the number of ships employed. But a policeman's value was not estimated by the number of thieves that he captured; the mere existence of the force tended to diminish the number of those against whom their operations were directed. He was glad the time had come when the squadron might with safety be reduced; but no one could doubt that its existence had been highly beneficial.

NAVY—DOCKYARD DISTRESS.

QUESTION.

Sir JAMES ELPHINSTONE said, he wished, in the first place, to express his satisfaction at the course of the debate with reference to the West African slave squadron. He, however, thought that even now the number of ships remaining on the coast of Africa was too large, and that the African squadron ought to be attached to the Channel fleet, so that they might be brought home at stated intervals, and form part of a squadron of evolution — the most valuable class of vessels for the instruction of officers and men. In his opinion twelve months was a sufficient period of service for any ship upon the African station. A matter, however, of even greater importance than the health of the West Coast squadron to the constituency which he had the honour to represent was the great and grievous destitution at present existing in consequence of the large discharges of men which had been made from the dockyards and other departments of the public service. There were large works going on at Portsmouth at present, but the distress which he complained of was not caused by men discharged from those works, or from the public works going on connected with the municipality of Portsmouth. His complaint referred entirely to the destitution created by the discharge of men from the dockyards and other public establishments. The reason these people had not come upon the parish before was that they had been living upon the proceeds of the sale of their clothes and furniture. Those resources were now nearly exhausted, and the unfortunate people were, consequently, in a state bordering upon famine. The inhabitants of the borough of Portsmouth had raised something like £2,000 for their relief. The Government had always shirked their duty as employers of labour to contribute to a proper extent to the rates and taxes of the places where their works were established. Some years ago, in consequence of the Report of a Committee upon the subject, a local subscription was given by the Government, which, however, merely applied to the poor rates, and to no other rates which other employers were liable to pay. An employer of labour, when he discharged large bodies of men and threw them upon the parishes to which they belonged, had generally himself to pay the rates there, and he often found it better to maintain his people in work then to discharge them, and bear his share of the increased burdens upon the rates. What he wished to do was to bring before Her Majesty's Government a mode by which, without going to an expense themselves, they might relieve the destitution in the dockyard towns, and he would press it most strongly upon his right hon. Friend the First Lord of the Admiralty (Mr. Childers), that he should concede the point. Large movements of troops were about to take place, consequent on the withdrawal of regiments from Canada, and two magnificent transports were now under orders to proceed to North America for the purpose of bringing those troops home. These ships were going out empty, and what the people of Portsmouth proposed was that the Government should grant ship-room in those vessels to the discharged dockyard labourers and their families. They were prepared at Portsmouth to pay the price of their rations and landing at Halifax. He did not think this an unreasonable proposal. A deputation would wait upon his right hon. Friend the First Lord of the Admiralty in a few days, and he trusted that in the name of charity he would look into the matter, and upon the part of the Government, meet them in a conciliatory manner. There was a precedent for doing what he now proposed. In 1852 there was very extensive distress in the Hebrides, and in the Western Highlands of Scotland. A society was formed in Edinburgh at that time, of which he was a humble member, and Sir John M'Neill chairman, and funds were collected for sending these unfortunate people out to Australia. The *Hercules*, a 74-gun ship, was at that time fitting out to take her place as an hospital ship at Hong-Kong, and the Government of the day, on the application of the society, granted the ship for the purpose of carrying those people out, on the condition that the society paid all charges for fittings, furniture, and stores of every description required. There was no occasion, in the present instance, to pay for any fittings, because the ships were fitted and stored already, and would otherwise go out empty. Sufficient money had been collected in Portsmouth to provide the emigrants with rations. He therefore entreated Her Majesty's Government to take the matter up, and to give these people the means of going from a land of starvation to a land of plenty, remembering that it was owing very much to abrupt dismissal by the Government that these men had been brought into their present unfortunate position.

MR. CHILDERS: Having spoken before, it is only by the leave of the House that I can again address it; but if the House will kindly give me leave, I shall be able to give the hon. Member a satisfactory answer. After the debate on this subject some weeks ago, the Admiralty were put into communication with the Treasury with the view of ascertaining whether the Treasury would consent to these vessels being employed in conveying a certain number of discharged dockyard men from Portsmouth and elsewhere to the colonies. That inquiry is still going on, but has so far proceeded that I am now in a position to state that we do propose, upon the terms which my hon. Friend has just stated, to send out to the North American colonies a limited number of discharged dockyard men. There are a good many details still remaining to be settled; it is not perfectly clear yet at what time, having regard to the arrangements of the troops, these vessels can be sent out, but, taking the proposition upon the footing stated by my hon. Friend that the Government shall be put to no expense in the matter, beyond the actual use of the transport ships, I do hope that it will prove feasible to carry out some such plan as he has suggested.

SIR JAMES ELPHINSTONE expressed his satisfaction with the right hon. Gentleman's statement.

IRELAND—COLLEGE OF MAYNOOTH.

OBSERVATIONS.

MR. NEWDEGATE thought it his duty to call the attention of the House to a Return that had been laid on the table, No. 102 of this Session, and which was ordered to be printed on the 23rd March. That Return for which he had moved had reference to the expenditure connected with the College of Maynooth. The Return gave an expenditure of about £50,000 or £60,000, whereas if the Return had been made in the terms in which it was ordered, and according to which previous reports had been drawn up, it would have shown a sum considerably above £1,000,000. The right hon. Gentleman the Chief Secretary for Ireland had engaged to furnish the Return, but it appeared that there was some confusion in the Departments, and the Treasury had undertaken to furnish all the information which they possessed. But the information for which he had moved was not in the possession of the Treasury. The Return furnished only contained the sums expended on the building and repairs of the fabric of Maynooth between the years 1845 and 1865 inclusive, whereas what he wanted to know was the whole amount of money that had been spent upon the College. The heading of the Order of the House was for information as to the sums spent in building, repairing, enlarging, or otherwise maintaining the College of Maynooth; and the expression "or otherwise maintaining" of course included the sums so voted for Maynooth in this House up to the year 1845, and the payments since made under the Act of 1845. He wished, therefore, to ask the Chief Secretary for Ireland—1. Why the information furnished to this House in the return No. 102 of the present Session, with respect to the College of Maynooth, was limited to certain particulars as to sums of money, granted, voted, and borrowed for building and repairing the fabric of the above College, between the years 1845 and 1865 inclusive, and to the expenditure thereof? 2. Why no accounts or particulars as to the sums voted or granted for maintaining the above College, otherwise than by building and repairing the fabric thereof, or as to the expenditure of such sums were furnished in the above Return? 3. Whether the Chief Secretary will state the proximate aggregate amount of the sums of public money voted or granted for the purposes of the above College since the foundation thereof? 4. And, whether it was the intention of the Government to comply further with the Order of the House respecting the College of Maynooth?

MR. CHICHESTER FORTESCUE said, he was afraid his error in this matter had been that against which Talleyrand warned a youthful diplomatist—an excess of zeal. He was so anxious to meet the views of the hon. Gentleman (Mr. Newdegate) that when he (the hon. Gentleman) addressed his Question to him, he agreed at once to supply the information; but he very soon found that the knowledge required was not within his official cognizance, but was entirely in the Treasury and the Public Works Office in Ireland, which, as the hon. Gentleman knew, was a department of the Treasury, and not under the superintendence of the Chief Secretary. The Return furnished to the House was certainly, in the hon. Gentleman's point of view, a scanty one. He was aware of what the hon. Gentleman wanted, but the Treasury seemed to think that the Order of the House referred solely to the fabric; they conceived that the first word "building" governed all the rest, and that all these words referred to the fabric; and that maintaining the College meant maintaining the fabric, and not the professors and students. But now that they understood what his hon. Friend wanted, the Secretary of the Treasury informed him they would have no difficulty in furnishing a supplementary Return, which would fully meet the hon. Gentleman's object. He would promise that such a Return should be furnished with the least possible delay.

Mr. NEWDEGATE: Do I understand that the Government will lay the further Return on the table?

Mr. AYRTON: If the hon. Member will make a Motion in accordance with his intention, the Papers will be laid upon the table.

NAVY CONTRACTS.—OBSERVATIONS.

Mr MUNTZ said, before the House went into Committee of Supply, he wished to call the attention of the Secretary of the Admiralty to rumours prevalent among commercial men that it was of no use offering to contract for Admiralty stores unless they had friends to support them. He had heard of cases of contracts entered into to supply articles which, if there had been a fair competition, might have been supplied for something less than half the amount. If this report was correct, the sooner that state of things was remedied the better; if it was not correct, some authoritative contradiction ought to be given to it. He knew, as a personal matter, that many houses of the first eminence refused to tender to supply the Government, believing they had no chance. Then there was another matter with regard to articles supplied to the Admiralty and also to other Departments of the service. It was left to the decision of a viewer whether the articles should be received or not, and he knew as a positive fact that in many instances viewers had refused to receive articles without assigning any reason whatever. He thought they should be required to give some reason. The impression prevailed that some douceur was necessary to induce the viewer to accept the articles. That such was the case some years ago he knew for a fact. He knew of a case where articles were refused, and the party who supplied them endeavoured to obtain a reason for their rejection, but no reason was given except that they would not suit. They consulted him, and he suggested as they had a relative in the House that he should put a Notice on the Paper to ask the First Lord of the Admiralty a Question on the subject. They did so, and in forty-eight hours the matter was settled. He thought a great deal of difficulty might be avoided if the viewers who refused to accept an article were required to give some reason for their refusal, and if there were some officer of standing and respectability to whom an appeal might be made.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—NAVY ESTIMATES.

Supply—*considered* in Committee.

(In the Committee.)

(1.) Motion made, and Question proposed,

"That a sum, not exceeding £168,704, be granted to Her Majesty, to defray the Salaries of the Officers and the Contingent Expenses of the Admiralty Office, which will come in course of payment during the year ending on the 31st day of March 1870."

Mr. CORRY said, in the early part of the present Session, the First Lord of the Admiralty, in answer to a Question, stated that the changes made in the Department over which he presided would result in the business of the Admiralty being conducted in the same manner as that of the other public Departments. When he read that answer—for he was not in the House at the time—he said to himself that if such was to be the result of the recent reforms in that Department, he could not look upon them with approbation. He had always been of opinion that, in consequence of special circumstances connected with naval administration, it was impossible to conduct the business of the Admiralty in the same manner as that which was applicable in the other Departments of the Government. He remembered that when the Admiralty Committee was sitting, in 1860, a question was raised as to why the practice of the Treasury and the Admiralty, two Boards constituted under nearly similar patents, should be so different; and he remarked on that occasion to a Gentleman sitting beside him that the reason was quite obvious. The Chancellor of the Exchequer was thoroughly acquainted with all the details of the questions on which the Treasury had to decide, and it would be absurd if the opinion of any Junior Lord had a voice in his decisions; but the First Lord of the Admiralty had to depend in a great measure on the advice and information of the Junior Lords on most of the details of his Department. It was not going too far to say that the First Lord could hardly be acquainted with one-tenth of the details which had to be dealt with in the Admiralty; and hitherto the difficulty arising from that circumstance had been overcome by the practice of allowing the Junior Lords to take a direct part in the conduct of the business of the Department. The first observation he had to make, with reference to his right hon. Friend's changes, was that they were entirely at variance with the principle of the reforms introduced by Sir James Graham in 1832, when he abolished the Navy Board and the Victualling Board. In answer to the objection which had been urged that the business would be so multifarious that it could not be brought within the compass of a single officer, Sir James Graham said—

> "The difficulty would be obviated by a judicious distribution of labour. I propose to divide the whole of the Naval Service into five great Departments, with an officer at the head of each, which officer should not be a Commissioner holding his situation by patent, and possessing co-ordinate authority, even with the Commissioners of the Admiralty itself, as in the case at present, but be appointed by warrants from the Board of Admiralty, and retain his situation so long as he discharges his duties properly."

Now, of all the executive officers in the Admiralty, the Controller was the most important; but, under the plan of his right hon. Friend, he was no longer to be subordinate to the Admiralty. He was to be one of its members. That was quite at variance with the views of Sir James Graham. As a rule, the Controller of the Navy was thoroughly conversant with the details of the business in which he was engaged; and when, as a Lord of the Admiralty, he made a proposal to the civilian First Lord, who would probably have a very superficial knowledge of the subject, the latter would be completely in his hands. His subordination would be merely nominal, for the First Lord would have to deal with him without the assistance of anything like a Board, or a Committee, as his right hon. Friend had called it. He himself once knew a First Lord of the Admiralty who was a very able man, but who used to say that nothing could ever make him understand anything about a ship. He did not refer to his right hon. Friend the Member for Droitwich (Sir John Pakington), but generally the First Lord knew very little about ships. If the Controller came to his right hon. Friend the present First Lord, and told him there was a question as to whether one of the long iron-clads should have five masts or three, was that a matter which his right hon. Friend would feel himself competent to settle? Under the system which had hitherto prevailed, that question, if it had arisen would have been discussed by competent naval officers, sitting at a Board, and who could guide the First Lord to a sound decision; but, under the new arrangement, the Board would have no right to interfere. It was quite true that the First Lord might ask the opinion of any of the Naval Lords; but so he might ask the opinion of the first naval officer he met in the street. That was a very different thing from obtaining opinions at a Board principally composed of experienced naval officers, theoretically equal with the First Lord himself, and having a right to express their views in the most unreserved manner. No one had a greater respect for the Controller of the Navy than he had; but he thought it very objectionable that the whole shipbuilding of the navy should be in the hands of the Controller, whoever he might be. A Controller of the Navy, being a permanent officer, and, consequently, without recent naval experience, was apt to get into grooves, and those grooves might not happen to be in a direction leading to the best results. He did not well know what was the present title of the Controller. He believed that in one part of the Estimates he was styled "the Second Naval Lord." [Mr CHILDERS: He is Third Lord and Controller.] Then he (Mr. Corry) should like to know what his position really was? The Controller was a servant of the Board. A Lord of the Admiralty was one of a Commission appointed to execute the office of Lord High Admiral. He wanted to know whether the Controller was to be his own master or his own servant. It appeared to him that the Controller's position would be an extremely anomalous one, and he could not approve of the change in this respect. It was not one which had originated with his right hon. Friend, for it had been strongly urged on him (Mr. Corry) by the Controller a year ago, but he had not thought it proper to agree to it. He had also reason to believe that it had been proposed to the Duke of Somerset, and that he had declined to entertain it. With respect to other changes, the new system introduced a confusion of responsibility altogether at variance with Sir James Graham's design. That right hon. Baronet increased the number of Junior Lords from four to five, for the express purpose of placing one at the head of each of the five great departments of the Admiralty. But now the number of Lords was reduced, and the business of three or four departments thrown on the First Naval Lord. In explaining this plan, he said—

> "This system gives the regular cognizance of each department to its own proper head, while the whole would be brought under the consideration of the general Board. There would thus be a just division of labour, an undivided control, and due responsibility on the one hand, and, on the other, that unity and simplicity which I hold to be the very essence and life of public business."

Under the new system there would be no such "unity and simplicity." The action of the several branches would be disjointed. Each Junior Lord would come separately to the First Lord and take his directions. If it were not for a *préces* of each day's proceedings, which he understood was now printed for circulation, each Junior Lord would be ignorant of what was being done by his Colleagues, or of the general policy which prevailed outside his own particular branch of the Department. He thought, also, that a system, which placed the First Lord in communication on departmental questions merely with the superintending Lord, was very objectionable. It was often of great advantage that the First Lord should have the opinion of a Junior Lord, not only in reference to the business specially confided to him, but also in reference to other questions of which he might have special professional or other knowledge. It might happen that a Naval Lord who had particular charge of one branch possessed more knowledge of a subject not in his own department than perhaps any other member of the Admiralty. When he himself was First Lord, his hon. and gallant Friend near him (Sir John Hay) superintended the Victualling and Store Departments; but as his hon. and gallant Friend, who had served on both the Gunnery and the Armour-plate Commissions, was an authority on questions relating to armour-plating and the arming of ships, he had constantly referred to him, and had always attached the greatest value to his opinions on these subjects. He had been enabled to obtain the benefit of his assistance in that way, because under the old system every question was discussed at the Board, where, as a matter of course, his gallant Friend took part in its deliberations. But now, unless the First Lord went out of his way, he would be deprived of such assistance from a Colleague filling a post similar to that which had been held by his hon. and gallant Friend. He confessed that he thought one result of the changes would be to give the First Lord too great control over the Department generally. The last Lord High Admiral, himself a naval officer, had been required to resign from having acted in too much independence of his council, but under the new *régime* the First Lord—a civilian—was wholly independent of his council, the members of which were merely to submit questions for his consideration, and act under his instructions. It was quite true that a Board was a cumbrous engine. It certainly was an impediment to the action of the First Lord. He had experienced it himself; but it was possible that a First Lord might, if left to himself, be inclined to go a little too fast, and a drag chain was sometimes a useful piece of machinery. He thought, therefore, that, in a Department like the Admiralty, a substitution of personal communication between the First Lord, who would be supreme, and the Junior Lords, for the old system of a Board where all were theoretically equal was not a wise measure. Hitherto the Controller had been under the First Naval Lord, who had a general superintendance of all matters in his department, and he could not understand how the business of the Department could be carried on under any other system. One of the principal functions of the First Naval Lord was—subject, of course, to the authority of the First Lord—to direct the movements of Her Majesty's ships. That involved the selection of particular ships for particular services, on which would depend what ships would be required to be repaired or fitted for commission. Hitherto this was arranged between the Controller and the First Naval Lord—the superintending Lord of the Department. But at present, if he were to interfere, he might be told by the Controller to mind his own business, and that no instructions on the subject would be received except from the First Lord. Another grave objection he had to the alterations made was the enormous amount of business which was thrown upon the shoulders of the First Naval Lord of the Admiralty. The First Naval Lord of the Admiralty had always been looked upon as what was called the first Naval Adviser of the Crown, and it was most important that he should have sufficient time to spare from mere details of Office, to advise the First Lord on all questions of naval policy. His superintendence of the Controller's department was only of a general character, and did not occupy very much of his time. It appeared from a Return which showed the distribution of work among the Lords of the Admiralty, that under the old system the First Sea Lord had functions to discharge which were divided into fifteen heads. These were—dockyards, as far as relates to Controller's department, distribution of the fleet, ships in commission with their fitting out, paying off, armaments, complements, and inspection, steam reserve, protection of trade and fisheries, appointment of commanders of ships-of-the-line and frigates, discipline, courts-martial and courts of inquiry, punishments and returns, and signals. Under the new arrangement, however, the First Naval Lord had fifty-four matters, instead of fifteen, to look after. He had, indeed, with the single exception of being relieved from the superintendence of the Controller's department, the functions hitherto discharged by the whole of the four Naval Lords thrown upon him. Among other matters that he had to attend to were coastguard, which alone required the supervision of a single head, naval coast volunteers, Royal Naval Reserve, appointments of commanders of ships-of-the-line and frigates, appointments of lieutenants (exclusive of lieutenants in command), staff commanders, navigating lieutenants, &c., sub-lieutenants, midshipmen and naval cadets, paymasters, clerks, medical officers, and so on, and the superintendence of the Victualling department and Medical department was added to his other labours. He could not see how it was possible for any one man to get through the work, except in the most perfunctory manner. It was quite true that his right hon. Friend had associated with the First Naval Lord a Junior Naval Lord to assist him. But he could not understand why his right hon. Friend should not have divided the departments between those two officers instead of throwing the whole responsibility on the First Naval Lord. The result was that there would be a sort of *divisum imperium*, in which they would in vain look for that "just division of labour—the undivided control—the due responsibility" to which Sir James Graham attached so much importance. He could not, moreover, see the necessity for throwing all this work on the First Naval Lord. It was true that his right hon. Friend had reduced the number of Naval Lords by one, but he had called in Captain Willes as an assistant. He believed that it would not have been possible to make a better selection. But it was hard to say what duties would fall to the lot of Captain Willes, who was to assist the First Naval Lord in the coastguard and "other matters." He appeared to be a sort of "odd man" about the Admiralty. He had not even a salary attached to his appointment, but was borne as a supernumerary captain on the books of the *Fisgard.* He could not understand why his right hon. Friend had not appointed this excellent officer a Lord of the Admiralty, and assigned him proper functions. But his right hon. Friend had made another appointment, that of Lord Camperdown. He had been surprised during the Recess at hearing that Lord Camperdown had been sent to report upon the state of the hospital at Haslar, because all the necessary information could have been obtained from Sir Sydney Dacres, who had for many years held the appointment of Superintendent of the Hospital. He could not at first understand why Lord Camperdown had been selected for the service, but, on inquiry, he had been informed that he was a Lord in Waiting attached to the Admiralty as supernumerary Civil Lord without pay, for he was not even borne on the books of the *Fisgard.* Although, therefore, the number of the Junior Lords had ostensibly been reduced, it had been increased for all practical purposes, so that there was no necessity whatever for imposing such heavy burdens on the First Naval Lord. He could assure his right hon. Friend that it was the general opinion of persons who were capable of forming a judgment on the subject, that it was impossible for any human being to perform the duties which appeared to have been assigned to the First Naval Lord; and he believed that his right hon. Friend's experience before he had been long at the Admiralty would fully confirm those opinions. The arrangement might possibly be made to work in time of peace, but he was satisfied that, under the pressure of an emergency, it would break down, and that the Admiralty would—for the first time, notwithstanding all that had been said against it—prove unequal to the occasion. He would now refer to other matters, and he could not help expressing his belief that it was a great mistake to have abolished the office of Storekeeper General of the Navy—an office created by Sir James Graham, which had in times past exercised a very salutary check, and had led to the effecting of considerable saving in our expenditure. He could adduce instances in which, in consequence of representations made to the Board by the Storekeeper General, the necessity of incurring a large outlay in the purchase of timber which had been proposed by the Controller had been avoided; and he feared that the merging of the two departments into one would be attended with anything but good results. Another change which he greatly deplored was the abolition of the office of Engineer-in-Chief of the Navy—an office which had been held for many years, and the duties of which had been so ably performed by Mr. Lloyd. The vast sums which were expended from year to year in the purchase of steam engines rendered it most important that it should be filled by a gentleman of first-rate abilities and unimpeachable honour, whose duty it was to advise the Admiralty in respect of designs and tenders sent in by the first engineering firms in the kingdom. It had always been a matter of surprise to him that gentlemen of sufficient scientific attainments should be induced to enter into the service of the Admiralty at the small salaries assigned to those respective offices, which were so far less than they could obtain in the private trade. But what had his right hon. Friend done? He had abolished the office of Engineer-in-Chief, and had appointed Mr. Murray, who had for years entertained a reasonable expectation of receiving this appointment as the reward of his long and able service, to a minor post, accompanied by less salary, and had assigned him Mr. Lloyd's work, in addition to that of the appointment he previously held, at a smaller remuneration. He thought the policy adopted was at once paltry and deplorable, for we could not hope to obtain the services of the best men at inferior salaries. Indeed he had been informed that, for some years, first class men had not been coming forward to enter the service in the engineering line. He understood that Mr. Reed, the Chief Constructor of the Navy, was the present adviser-in-chief on marine engines. He knew Mr. Reed was a man of great ability, and if he had devoted himself to engineering he would, doubtless, have been one of the most able engineers in the country—but Mr. Reed had turned his attention hitherto more to the construction of ships than of engines. If Mr. Reed were to give a lecture on the subject he would no doubt have a numerous audience; but they would be attracted chiefly by the desire to see how so eminent a man would acquit himself in dealing with a branch of science different from that in which he had earned and gained his reputation. But this course had been pursued, not only at the Admiralty, but at the dockyards, for his right hon. Friend had said—

> "Instead of two co-ordinate authorities, instead of a Master Shipwright and Master Engineer, we shall throw them into one manager for all operations."

He thought this a very bad arrangement, for it by no means followed that an officer who was a good shipbuilder should be also a good engineer. He trusted that his right hon. Friend would re-consider his decisions on these points, and give Mr. Murray the office and the remuneration to which his abilities fairly entitled him. He would not detain the Committee by entering further into the matter, and, in conclusion, he need not assure his right hon. Friend that he made these remarks in no spirit of personal hostility, but because experience had led him to the conclusion that these innovations at the Admiralty did not tend to the advantage of the public service.

MR. ALDERMAN LUSK said, he would remind the Committee that the Vote was challenged last year, when it had been raised from £167,000 to £182,000. The Vote had, up to that time, been increasing from year to year, but cogent reasons for the increase were then demanded, and the right hon. Gentleman, now the First Lord of the Admiralty, said that the Office needed a revision. It was matter for congratulation that he had had the courage to make a revision of the whole Department on entering Office. It was all very well for the right hon. Gentleman opposite (Mr. Corry) to talk about arrangements made by Sir James Graham. He was, no doubt, a very clever man in his day, but he did not know then what we do now about these matters. The right hon. Gentleman, when he was in Office, used to say that he could not dispense with a single official, but the present First Lord had knocked off above £13,000 of salaries at a blow, and he (Mr. Alderman Lusk) believed the work would be more advantageously performed in consequence of the reduction. It was right that the First Lord should be at the head of the Office with undivided responsibility and command, without which the Admiralty could no more be expected to be well managed than a ship could be well managed with several captains, and it was to be hoped he would go on with the reforms he had begun, and would next year be able to reduce the Vote by a considerable sum further.

LORD HENRY LENNOX said, it was not his intention to make any lengthened observations, even if he were physically able to do so; but he wished to ask the right hon. Gentleman the First Lord of the Admiralty a question with regard to the recent changes in the Controller's Department, not only because they affected those who had lost their position as civil servants, but because they affected the civil servants of the Crown employed in every public office. He entirely agreed with the remarks made by his right hon. Friend the late First Lord (Mr. Corry) with regard to the nature of the changes which had been made in the constitution and administration of the affairs of the Admiralty. Far be it from him to say that the new system should not have a fair trial in order that it might be seen how it would work; but during his tenure of Office he found out how much the public service had suffered from the constant interference of well-intentioned reformers introducing fresh systems. Changes had been made, and before there had been time to see whether they would conduce to economy or not, other changes had followed. He would be the last to say that this new scheme of piling the whole work on the heads of a few should not have a fair trial, and he trusted that the few would be able to bear the work put upon them. The principle of the changes which had been made appeared to be to consult the convenience of the Controller's department. Seven or eight clerks had been abolished, and those who remained had been placed in an exceptionally good position. No one had a higher opinion than himself of the merits and labours of the Chief Constructor, but it was a matter of fact that he benefited to the extent of £200 a year by the abolition of the clerkships. Then a professional secretary was appointed at £500 a year, and two of those employed in the Constructive Department were to receive £100 a year extra for assisting him, while the Controller of the Navy had a private secretary and writers for his private and daily correspondence. He congratulated the First Lord upon finding himself in a position to reduce the number of clerkships in the Controller's department, and gave him full credit for the skill displayed in doing it, because when he (Lord Henry Lennox) held the Office of Secretary to the Admiralty this department signalized itself by its frequent, persevering, and earnest demands for increase of clerical labour. Indeed, although he besought the Controller, on the ground of economy, to do with a smaller staff, he was repeatedly assured that if the applications for increase were not granted the public service must suffer. When he heard that so many established clerkships had been reduced he could scarcely believe his ears; and if the reductions had been wisely made, the fact showed how much more difficult it was for a Tory Secretary to bring about these changes than for a Liberal First Lord. He did not object to the changes in themselves, if the First Lord could make them conscientiously, but he objected to the manner in which they had been made. When it was found necessary to reduce the number of the public servants of the Crown in the Government offices, the fair, honest, reasonable way was to give notice of the fact, so as to afford an opportunity to any who, from length of service or ill-health, might feel disposed to retire, to do so voluntarily; and retain in the service young men who had received an expensive education and passed an arduous examination in preparing themselves for their adopted career. In this case nothing of the kind was done; but one fine morning seven or eight young men, not selected from the junior list, were informed, as he was told, by a memorandum on a sheet of paper passed round the office, that their services were no longer required. Feeling that they had entered the service under a guarantee that they should remain in it until by misconduct or ill-health they forfeited their positions, they sent a memorial to the First Lord, asking what they had done to be dismissed without notice or reason, and asking for a re-consideration of their case; and the First Lord courteously replied that their case had been carefully considered, and that the staff was being reduced with a due regard to public interests. He had watched the career of one of these young gentlemen, he knew him to be an energetic and painstaking young man, and was the means of introducing him into the office of Sir Spencer Robinson. That young gentleman, finding that his career had been cut short as far as the public service was concerned, sought an appointment in a private company, and obtained testimonials from those under whom he had served to aid him. Among those testimonials was one from Sir Spencer Robinson, who said he had found him, during the two years he had acted as his private secretary, active, intelligent, and strictly trustworthy, and believed him to be a good public servant. Mr. Reed said of him that he had filled positions of great trust; the Chief Clerk in the Controller's office spoke of him as a talented young man, and the late First Lord of the Admiralty added his testimonial which was even stronger in its terms than those he had quoted. Nevertheless, that gentleman—Mr. Yorke—had been deprived of his appointment, not because he was a junior, certainly not because of want of ability. The First Lord of the Admiralty had stated there was no actual agreement between the Crown and the civil servants, except that embodied in the provisions of the Civil Service Superannuation Act. Now, although this was literally true, it would be an evil day for the Civil Service if it were strictly acted on. Mr. Yorke, after spending five years in the public service, had now to leave his post, having the liberal pension of £10 a year allotted to him; while other gentlemen similarly deprived of employment were entitled to nothing. This was not a matter which merely affected the Admiralty clerks; there was a strong feeling about it in every Department under Government. The right hon. Gentleman the present First Lord of the Admiralty had stated some time ago that the clerks who were dismissed would be placed in a redundant list, and that he had appointed a Committee to see that no injustice was done; but in reality that Committee was not nominated until long after the injustice he referred to had been done, and when these young men were in search of situations in private firms. Although the Committee had been sitting for two months past, it had made no Report, and had given no note of warning to those interested. Every month in which these young gentlemen were in doubt was a a loss to them. The right hon. Gentleman had said the Committee were instructed to take into consideration personal applications, but no notice had been taken of those which had been sent in. Considering how important the subject was, he asked the right hon. Gentleman whether he would place upon the table any correspondence which had passed with reference to the dismissal of these young men? and, whether he would grant a Return stating the age of the clerks dismissed and the amount of pension they were entitled to on dismissal?

Colonel SYKES said, the question just raised was one of dangerous importance; but surely the noble Lord could not seriously entertain the idea that a servant in a public office possessed a vested interest in his situation. With reference to the Estimates there was this year a phenomenon. The cost of the Admiralty Office last year was £182,000, and this year showed a reduction in that cost of £13,660, and this was the first instance he had ever met with of a lump reduction to a similar amount. The reason was plain: there was now, for the first time, a concentration of power and responsibility in one pair of hands. But he accepted this reduction only as an instalment. The central administration of the French Navy last year cost only £84,656, including the service for the colonies, and that small amount arose from the simple fact that the Minister of Marine was supreme, and had no deputy supremes at all. The total Estimate for the French Navy for 1870 is only £6,513,801!

Mr. LIDDELL said, his right hon Friend (Mr. Corry), in criticizing the alteration of the constitution of the Board of Admiralty, seemed to think that the outside public had always been satisfied with the way in which the business of the Admiralty was conducted. But the fact was that the public had not been satisfied. They had felt that they did not get their money's worth for their money. There had been a want of concentration and of control in the Admiralty, and the result was a want of economy in the great manufacturing departments, and a bad system of accounts. Valuable reforms had now been introduced, and among them he was glad to see the elevation of the Controller of the Navy to a seat at the Board. Hitherto some amount of confusion had appeared to exist in the minds of the highest Admiralty authorities as to the position which the Controller held. In 1860 the Duke of Somerset, then First Lord of the Admiralty, said before a Committee that the Controller was responsible for everything connected with the building and repairing of ships, and that nothing could be done to increase his power and responsibility. But in 1868 the Controller himself was asked before Mr. Seely's Committee—"Has such a case ever happened that the Board recommends a ship should be repaired, when you have recommended that it should not be repaired?" And his answer was—"Yes, every day." He was further asked—"And that relieves you from all responsibility?" His answer was—"Entirely." It was a great advantage that now, for the first time, the Controller was made really responsible and had a seat at the Board, and he believed that in the present Controller the country had a most admirable servant, who would prove himself worthy of the confidence reposed in him.

Mr. CHILDERS said, before he replied to the remarks of his right hon. Friend the late First Lord of the Admiralty (Mr. Corry) he would answer specifically the questions put to him by his noble Friend the Member for Chichester (Lord Henry Lennox). He was glad to see his noble Friend again in that House able to take part in the debates; and with respect to the remarks of his right hon. Friend that there was one Member of the Board who would be very much overworked, it would at all events be admitted that there was one Member of the former Board who had been very much overworked, and who had thoroughly earned his holiday. His noble Friend had asked some questions about the reduction of clerks which had been made in the Controller's office in the early part of this year, and prefaced those questions by some remarks in which he could not quite follow him. His noble Friend had referred in the first place to the professional Secretary to the Constructor of the Navy. But on that point all he had to say was that he had put honestly in these Estimates what used to exist in the Estimates under another form. Formerly one of the Assistant Master Shipwrights had been employed at the Admiralty, although charged in the Dockyard Vote. He had simply been placed in Vote 3 instead of in Vote 6, and that made it appear that there was an additional officer. His noble Friend had also alluded to the employment of writers in the Controller's department. All he could say, in reply, was that the number of persons employed in that way was much less than it had been last year. On the question of the reduction of clerks he must remind his noble Friend that he had been away in the early part of the Session when the most accurate explanations had been given at two different times as to what had happened. He gave the information, in the first place, in a very long answer in reply to a Question put by his hon. and gallant Friend the Member for Portsmouth (Sir James Elphinstone), and he repeated that information almost word for word with some additional matter when he moved the Estimates; but as his noble Friend had now put the Question he was quite ready to repeat it again. His noble Friend had said that a certain number of clerks had been reduced in the Controller's office in the early part of the year, and expressed his surprise that any reduction could have been made, because when in Office he had been always receiving applications for an increase in the number of clerks. But the answer was perfectly simple. Under the former system there was a mass of correspondence between the Controller's and the Secretary's offices, but the union of these departments had altered all this. Much of that work had now been dispensed with, and the reduction had been further aided by the substitution of copying machines for clerks in such work as could be so performed. He was quite satisfied that his noble Friend had done his best to promote economy in the position in which he was placed; but he must say at the same time that, by means of a better system, they were now able to do with less hands. His noble Friend had also complained of the manner in which the reduction had been effected, and his remarks would apply not to one office but to all offices. The Controller's office happened to be the first which had to be dealt with, because the change in his position was one of the cardinal features of the new arrangements. Careful inquiry, however, was made both as to the amount of reduction which could be effected, and also as to those gentlemen who, considering the work they had being doing, could be best spared if the proposed reduction was carried out. When that inquiry was completed the result was submitted to him and he approved the reduction proposed. And what did he then do? In the first place, he gave notice to all the gentlemen affected that a reduction was impending, and that after a certain time they would have to leave their offices. That notice was, in the first place, not one of an official character, but was a prior intimation personally conveyed to them that an official notice of the reduction was about to go forth. The next step he took was to provide that those gentlemen should be allowed to retain their offices to the end of the quarter, or, in other words, from the beginning of January to the end of last month. And the third step was to appoint a Committee who were instructed to do precisely the thing which his noble Friend thought proper to be done in such circumstances—namely, to ascertain what officers would be willing to retire; so that, as far as possible, the junior officers in particular departments, who, in consequence of the large reduction, might otherwise be obliged to retire, might not have to do so, but that the senior officers in different departments might so retire. In the particular department to which his noble Friend had referred it would be impossible to carry out that plan because many of the seniors were quite as unwilling to leave as their juniors; but, by dealing with the Admiralty as a whole it might be quite possible to retain the juniors in other branches of the service. That, however, was not a simple operation; it would take time; it would require to be dealt with very carefully, and had been so dealt with in the last few months. He was now in a position to say that throughout the different offices applications had been received and were still being received from many senior officers who were prepared to retire. Some delay had occurred in consequence of its being necessary to be very precise as to the terms of superannuation on which the gentlemen in question would retire, but none he believed that would not enable the authorities to complete the reduction before the end of the present month instead of the last month. He must say, however, that the kindest and best thing that could be done was to give the young men some previous notice of what was intended, and not to leave them in doubt; to let them know that a reduction would be made, that their services might have to be dispensed with, and then to give them an opportunity, which had been given, of being retained in the public service if their seniors were found willing to retire in other departments. As to the particular clerk (Mr. Yorke) to whom his noble Friend had referred, he was an officer against whom he had nothing whatever to say; but so far from any injustice having been done him, every assistance was given him to obtain fresh employment, and his noble Friend had read the testimonials which he had received. He was sorry that his hon. Friend the Member for Montrose (Mr. Baxter) was not present; but he had been told that the inquiries which had been made in the different offices had been entirely successful, and that very few, if any, of the junior clerks would be removed altogether from the public service. His noble Friend had asked a distinct question, whether he was prepared to lay on the table the correspondence which had taken place on the subject? In the present incomplete state of the business nothing could be more unwise than to lay the Papers on the table; but as soon as the reductions were actually effected he would not have the least objection to produce the correspondence. So much for the special case of reduction. He came now to the remarks of his right hon. Friend (Mr. Corry) with respect to the changes which had been made in the transaction of business by substituting for the ordinary action of the Board what had been described as action similar to that in other Departments. Now, the words he was using on the occasion to which his right hon. Friend had referred were used especially with reference to the responsibilities of those who were the principal members of the Departments, and not with respect to what his right hon. Friend had very properly said was the efficient transaction of the executive business of the Admiralty. He should be the last to interfere with that, because it was perfectly well known that the transaction of that business was very efficient, and he had made no alteration in this respect. That part of the Admiralty business was most promptly transacted under a system which had been matured for many years past, and which everybody admitted to be be perfectly sound. What he was speaking of was, not the transaction of the executive business of the Admiralty, but the adoption of responsibility among its principal officers; and he would say most distinctly that, so far as his judgment and experience went, the adoption of responsibility among the distinct heads of the great departments, instead of that responsibility being frittered away by the action of the Board, was a decided improvement. His right hon. Friend had said that the change which had been made was opposed to the evidence of Sir James Graham. He could only say he had read the evidence of Sir James Graham before the Committee over which his right hon. Friend the Member for Oxford (Mr. Henley) had presided, and the view he took of the responsibility of the First Lord was very different from that of his right hon. Friend opposite. His right hon. Friend asked why the Controller should be a member of the Board instead of a subordinate, but he thought he had previously given a good reason for that—namely, that it secured unity of action, and brought business into one hand which was formerly distributed among three or four persons. Formerly, the First Sea Lord, the Store Lord, and the Civil Lord had each a share of the business of the dockyards, and the Controller was their subordinate, but now the Controller was responsible for the entire administration of the dockyards, and that was not only a decided improvement in itself, but he was able to say was in accordance with the opinion of high authority. The business of each department of the Admiralty had been put into a plain shape, and it was admitted on all hands that it was transacted much more satisfactorily. The case had been put of two of his advisers giving contrary opinions; but what was the object of having a responsible head of a Department unless, when two of his advisers took different views, he heard the views of both and then decided what was right? It was surely much better that that should be decided by the responsible head of the Department than by an irresponsible Board. Then his right hon. Friend took up a Paper that was laid on the table the other day, and said that the First Naval Lord had too much work; that he had fifteen subjects to deal with before, whereas now he had fifty-four. That was an example of how, by setting out figures in a particular way, almost any conclusion might seem to be justified. For instance, in that Paper, the appointments to ships of different classes of officers were placed in a separate line for each class, whereas they had been in one line, the effect of which was, in appearance, to swell out the business. Again, formerly the First Sea Lord had the entire responsibility for everything to be done in the dockyards; but now that responsibility was placed upon the Controller, and taken away from the First Sea Lord, and it was equal to twenty of the other subjects which he had to deal with. But in reading from the Paper his right hon. Friend had not observed that these fifty-four subjects were dealt with by two, not by one person. His noble Friend the Member for Ripon (Lord John Hay) acted as junior Sea Lord, and took a large amount of the business, which did not require the decision of his superior, and by this arrangement, by bringing an officer to the Admiralty in Captain Willes's position, and by relieving the First Sea Lord of the dockyard business, he had not added to the former work of that officer. His right hon. Friend asked why Captain Willes was not made a Lord of the Admiralty? Now he did not think it necessary to make everybody a Lord—he thought it was better to keep those who were at the head of the Admiralty few in number, taking care that they should have a sufficient staff of capable subordinates. Formerly, there were a Deputy Controller of the Dockyards and a Deputy Controller of the Coastguard, with an office at some distance, and they wrote letters to the Admiralty and received answers from it in regard to the business of their departments. Thus there was with respect to the Coastguard the same duplication of work as had existed in respect to the supervision of the dockyards. But now, under the new arrangements, Captain Willes received direct orders and communicated directly with the Coastguard, by which means a great saving of expense and an increase of efficiency were obtained; and they had been enabled the other day to substitute for fifteen clerks either two or three. Whether Captain Willes was called a Lord or not, he did his work at Whitehall, instead of in a separate street where he would have to receive orders by letter. As to his right hon. Friend's remarks with regard to the Storekeeper General, the Admiralty were only carrying out what everyone who sat upon the Committee of last year saw to be necessary to correct a great anomaly. His right hon. Friend also complained of what they had done in reference to the Engineer-in-Chief. Now that was a most excellent arrangement. Formerly they had two co-ordinate authorities—first, the Chief Constructor, who was responsible for the construction of the hull of the ship; secondly, the Engineer-in-Chief, who was responsible for her engines. The consequence of this division of work had been unfortunate and had led to frequent mistakes. At present the Constructor of the Navy was responsible for the whole of the ship; and he had four assistants allowed him instead of three. Besides that, they had Mr. Murray, who had held the post of engineer at Portsmouth, and who had now the supervision of the factories, and in that capacity would advise the Admiralty in matters connected with steam. His right hon. Friend complained that whereas, previously, they had a Master Shipwright and a Chief Engineer, now the whole shipbuilding work in the dockyard was brought under one man; but that he maintained was a great improvement. He had now gone through all his right hon. Friend's criticisms. The result of the changes was simply this—that the Government had been enabled to effect a considerable economy in that Vote, and when their plans were got into thorough working order they would be also found to effect a very great improvement in the administration of the Admiralty.

Sir JOHN HAY: Sir, I wish first of all to allude to the proposed economy which the right hon. Gentleman thinks he has effected by discharging clerks and adopting a system of copying by the use of copying machines. I am the more anxious to allude to this, because my right hon. Friend the Member for Droitwich (Sir John Pakington) will remember that, when we first took Office together, I called his attention to the saving that might possibly be effected by adopting this method of recording the Admiralty correspondence. Many hon. Members, no doubt, use this method themselves for copying their correspondence, and in their case it is both economical and sufficient. But it is very different in the official correspondence for a public office. The references to it are so frequent, and the time for which it is required to last is so considerable, that the flimsy character of the paper used for it and the perishable nature of the copying ink are almost certain to cause the destruction of the public records which it is so essential to preserve at the Admiralty. Members of this House will find it extremely inconvenient when they ask for copies of political correspondence to be told that it has been recorded on copying paper, and is now totally illegible. [MR. CHILDERS: The political correspondence is copied by hand, and not on copying paper.] Well, that rather proves my case, as the object of all copying is to obtain a record. With respect to the abolition of the office of Storekeeper General, I desire to say that I believe great public inconvenience will result from its abolition. The subject has been well considered, and I heard all the difficulties suggested by the Controller of the Navy and others before the Committee last year, of which I was a member, as to the inconvenience of having the Storekeeper General not as a subordinate, but as co-equal with the Controller of the Navy. It seems to me that, in making this change, the right hon. Gentleman has only considered the duties of the Storekeeper General in reference to the custody and supply of stores for the dockyards at home and abroad, and has omitted to consider his far more important duty of supplying our foreign squadrons, which is that which—as far as naval efficiency is concerned—makes his office so essential to the interests of the country. The value of the stores under the Storekeeper General's charge is, in this country, over £8,000,000, and the receipt and issue, in last year, is over £1,000,000. Well, the Controller may contrive to be responsible for the receipt and issue of these stores, but it is quite impossible for the Controller—in addition to his already sufficiently onerous duties—to be personally responsible for the supply of our foreign squadrons. Every increase or decrease of force, every addition to or subtraction from our squadrons, requires a corresponding arrangement in the Store office; and it is proposed—as I understand the present arrangement—that this duty is to be confided to a clerk with £800 a year. I understand the chief clerk in the Storekeeper General's office is the person who is to be responsible to the Controller of the Navy for the issue of £1,000,000 worth of stores in this country, and for the due supply of our foreign squadrons in all parts of the world with materials of war, with coal, and with all the necessary stores which alone can enable these squadrons to carry on the public service. It may be necessary under the new arrangements—with regard to the Store department in the dockyards—that the Controller should have control there; but I fear that great irregularities may arise from the supply of our foreign squadrons being intrusted to a minor official subordinate to a great department. I can conscientiously say that no one is more capable or more trustworthy than the present chief clerk (Mr. Girdlestone), but it is wrong to intrust so responsible an office to an official so extremely underpaid as is proposed. I am glad to find that the merits of the Registrar of Contracts have not been overlooked, and that his salary has been raised to an amount more in correspondence with the responsibility of his office; but, for similar reasons, it seems to me the equal responsible office which has to keep up the supply of our fleets should receive at least equal consideration. I must say that the Storekeeper General has, on many occasions, saved the country very considerable sums of money in consequence of his antagonism to and collision with the Controller. I can give the Committee an instance — A short time before the abolition of the office of Storekeeper General, the Controller of the Navy received orders to build certain ships, and of course it was his duty to endeavour to build them as cheaply as possible. The Controller made a demand on the Storekeeper General to purchase teak to build these ships. The Storekeeper General declined, and reported to the Board of Admiralty that there was plenty of excellent oak timber in the yards which was excellent for shipbuilding purposes. The oak timber, however, had been bought and paid for and taken in charge by the Storekeeper General at a higher price than the present price of teak. The oak timber would therefore have to be issued to the Controller of the Navy at a higher price apparently than the teak. But the oak timber could not be sold in the market for the price to be paid for the teak, and if not used in this way would have become waste; and this waste would have been occasioned only to effect a book saving, by making the ships so built appear a little cheaper, whereas they would actually have cost more. The Storekeeper General accordingly brought this to the notice of the Board, and my right hon. Friend compelled the Controller to construct the vessels in question of oak, and who thus, while apparently—as far as a book charge goes—was putting the country to some expense, was in reality effecting a considerable saving, by using good stores in our possession, instead of leaving them to waste, and buying that which only seemed a little cheaper, but was not more effective for the purpose. Now, it is obvious that it would have been a great disadvantage to the public service if the right hon. Gentleman had not compelled the Controller to use this timber, which could not have been sold advantageously. The Storekeeper General being an independent officer, and co-equal with the Controller of the Navy, at once brought this subject under the notice of the Board; but will a clerk in the Storekeeper's office, and under the superintendence of the Controller, possess such power? It is clear that such a person will have to report not to the Board, but to the Controller—the very person whom it was the duty of the Storekeeper General to check. Sir James Graham pointed out that one of the great advantages of giving the principal officers co-ordinate jurisdiction and permanent office was preventing them from being influenced by political feeling; and one benefit arising from their being independent of each other was that they might offer to the Board of Admiralty suggestions which—as in the instance I have just referred to—might effect great economy in the public service. I therefore feel that after the abolition of the office of Storekeeper General we shall not have the same security as before that our ships on distant stations will be efficiently supplied with stores. As to the immense amount of work now thrown on the First Naval Lord (Sir Sidney Dacres), I do not know whether my noble Friend (Lord John Hay)—who is, I understand, to assist him—is able to take it as easy there as he is now doing, or whether he is now reposing after the arduous labours of the day. There seems to be no special business for which my noble Friend is specially responsible, whilst my gallant Friend Sir Sidney Dacres seems to me to have more work imposed on him than he can possibly get through. Indeed, I have heard with great regret that Sir Sidney Dacres is even now unable to work from illness brought on, no doubt, by the multifarious duties and excessive labour now imposed upon him. Is my noble Friend now responsible during Sir Sidney Dacres' illness for all these duties assigned to the First Naval Lord; and would it not be wiser to divide the duties more equally, as well as the responsibilities that are involved?

Sir JOHN PAKINGTON said, he wished to say a word or two about copying letters. His own experience showed him that copying-machines could not be trusted. Some sixteen or seventeen years ago, when he was Secretary of State for the Colonies, his private secretary thought that great economy might be effected by the use of these machines. A few years ago he had occasion to refer to the copies so made, and had the greatest possible difficulty in reading them. Indeed, he believed that they would now be found to be blank sheets of paper. He thought the right hon. Gentleman could not entirely approve the system of machine-copying, as it was not to be applied to all kinds of correspondence.

Mr. CORRY explained that his right hon. Friend (Mr. Childers) was in error in supposing that he did not share the opinion expressed by Sir James Graham as to the supremacy of the First Lord, but it was one thing to exercise supremacy as the head of a consulting Board, and another to exercise it in the manner which had been substituted for it by the recent changes in the administration of the Admiralty.

Mr. CHILDERS said, he was glad to find that his right hon. Friend agreed with Sir James Graham. With regard to copying, he thought the right hon. Member for Droitwich would admit that out of every 1,000 letters answered by the Admiralty, only one or two required to be confidentially copied. The very important letters were still transcribed in the political department, while the others were copied by means of machines. As to the Storekeeper General, he wished to explain that formerly that officer not only received the accounts of stores in all parts of the world, and advised as to the quantity and quality of the stocks to be maintained, but also superintended the purchasing and contract department. Under the new arrangement the financial part of the business devolved on an officer under the Financial Secretary, while the Store account business was placed in the hands of the Superintendent of Stores, under the Controller of the Navy.

SIR JAMES ELPHINSTONE said, he thought it impossible for any two men to discharge the duties laid upon the First Naval Lord and the noble Lord the Member for Ripon (Lord John Hay). There were no fewer than forty-five separate subjects which they had to attend to, among which were, looking after ships in commission, the manning of the fleet, the distribution of the fleet, marines, and marine artillery, the Coastguard, the naval coast volunteers, the Royal Naval Reserve, pensioners, when called out, appointments to ships of the line, the discipline of the navy, protection of trade and fisheries, commissions at sea, the Hydrographic department, the transport service, the convict service, coaling, the medical service, appointment of medical officers, the Victualling department, half-pay of officers, Greenwich Hospital, the Admiralty Court, and the general salvage question. Any one of these must be continually giving rise to discussions. When it was remembered that the sun never set upon our flag, that we had colonies in every part of the world, that our squadrons were to be found in every sea, and that questions connected with these subjects were continually cropping up, he believed the work to be utterly impracticable. With regard to another matter — the control of the Controller was now utterly removed. The Controller went to a Board, where his designs might be picked to pieces by the majority—a contingency which he believed was not unlikely to happen—and to him was also confided the whole of the stores of the Navy, a policy which he believed to be a most mischievous one. He had to look after the steam reserve, dockyards, dockyard craft, shipbuilding, Constructor's department, inventions and experiments in steam and ships, gunnery and returns, Store department, and appointments of engineers. That amount of business he believed it to be impossible for any man to carry out efficiently. He would again refer to the plan laid down in 1864. That plan, he believed, formed the basis of the management of the present United States Navy, and had been found to work satisfactorily. He was perfectly satisfied that they never could manage the Navy with any degree of satisfaction unless the heads of the Departments were made responsible for the duties they had to perform, and were not allowed to screen themselves under the signatures of the Lords of the Admiralty. With regard to copying-machines, his right hon. Friend (Mr. Childers), who had been in the colonies, must know that from the character of the paper employed, and from other circumstances, foreign correspondence soon became almost entirely illegible. He was convinced, also, that the same result would follow after a certain period in this country, in the case of copies of letters made by copying presses. He could not understand why the Controller of the Coastguard should be reduced, nor could he understand why Captain Willes, who was one of the best officers in the service, should be deprived of the office which his predecessors had held, and should be placed in a subordinate position. He believed the object to be simply to throw dust in the eyes of the public, to induce them to believe that great reductions had been effected, where in reality no reduction at all had been made. At the same time he believed that there was not one of the officers who had received an increase of salary who even now was not extremely underpaid for the work he had to perform. Officers were brought to London, and were expected to mix in the society of the metropolis, and to receive officers of the service, and this they had to do on a smaller income than that which an ordinary private gentleman received. The consequence was that it was impossible that naval officers could make proper provision for their families. The case of Mr. Murray was one deserving of remark. That gentleman, although he had never complained of his salary, had certainly grave reason to complain of the position in which the Government had placed him — a position far below his deserts, and which was greatly inferior to that which he would have occupied had he expended his abilities in private enterprize instead of in the public service. As Superintendent of Machinery, Mr. Murray had the most onerous and responsible duties to perform, and he thought that gentleman had a very great grievance. If he were to reduce any officer at the Admiralty he would reduce the Civil Lord, because Civil Lords were, in his opinion, of no earthly use whatever. A young gentleman, generally an aspirant for Parliamentary honours, was called in and made a Civil Lord, and to his care were confided the enormous works which were always being carried on — works about which he could not have the slightest knowledge. If such a Civil Lord were examined as to the mechanism of a dry dock, a caisson, or any other of the appliances in daily use, he could give no answer, but by occupying the position of Civil Lord he was enabled to learn by rote a certain official jargon, and, after a time, to come down and puzzle every old sailor in the House. He now wished to refer to another point, and that was the appointment of Mr. Fellowes as assistant to the Inspector of Yard Accounts. With Mr. Fellowes's origin they were, probably, all acquainted; but Mr. Fellowes was chiefly famous for having, before the Commission of which he (Sir James Elphinstone) was a member, told more cock-and-bull stories and discovered more mares' nests than any other man, and if he had been appointed assistant inspector of mares' nests the post might have been a suitable one. Indeed, there was no one single statement which Mr. Fellowes made which was not as emphatically denied by the Controller in his evidence. Only that morning he had taken up his pencil to underline the contradictions made by the Controller, but they soon became so numerous that he got tired, and threw the book down in disgust. And yet they were going to give Mr. Fellowes this post, with a salary of £500 a year, when they had been compelled, as his right hon. Friend said, with regret, to discharge a number of young gentlemen whose abilities and talents rendered their services exceedingly valuable. In an earlier part of the evening an hon. Gentleman (Mr. Buxton) had called attention to the Treasury Minute of the 30th of November, 1868, stating that—

> "Promotion by merit is the established rule in the Civil Service, and to every young man who becomes the servant of the Crown in the Civil Service a way is opened to independence and even eminence."

And the hon. Member was supported by the First Minister of the Crown, who stated that the subject was a very proper one to bring forward. His noble Friend the Member for Chichester (Lord Henry Lennox) was, in his opinion, entitled to the same merit when he brought forward the case of the clerks who had been discharged, and who, if they had not a vested right, certainly had a moral right to consideration, their parents having expended their capital in their education, and they themselves having undergone the examination necessary to qualify themselves for the offices which they had filled. After all this he believed they were entitled to retain their situations, and yet they had been treated in a manner in which, he ventured to say, no gentleman would treat his footman, his groom, or his cook under the same circumstances. He certainly felt it his duty to move the reduction of the Vote by £500, the salary payable to the Assistant to the Inspector of Yard Accounts, and he should press his Motion to a division.

Motion made, and Question proposed,

> "That a sum, not exceeding £168,204, be granted to Her Majesty, to defray the Salaries of the Officers and the Contingent Expenses of the Admiralty Office, which will come in course of payment during the year ending on the 31st day of March 1870."—(*Sir James Elphinstone.*)

MR. GLADSTONE said, that it was rather remarkable that the Committee had been detained for two or three hours listening to complaints from the other side respecting the economies which had been effected by his right hon. Friend the First Lord of the Admiralty, and that now they were suddenly met by a Motion for further economy made by the hon. Baronet opposite (Sir James Elphinstone). At first sight the spectacle was highly satisfactory, because it appeared to indicate that both sides of the House were about to run a race in order to see which could bring about the greatest economy—a race in which the public would gain the whole benefit. But he was sorry to say that when they looked under the surface the aspect of the case somewhat changed. He gathered from the Motion of the hon. and gallant Baronet that though his proposal took the form of economy, it was in reality simply the vehicle he adopted for expressing disapproval of the reductions which had been already effected by the Board of Admiralty. The Committee was therefore called upon, not so much to disapprove of the appointment of an Assistant Inspector of Yard Accounts, as to express dissatisfaction because a number of gentlemen had been unfortunately relieved from their public duties, and the hon. and gallant Baronet thought they ought not to have been so relieved. ["Hear, hear!"] He (Mr. Gladstone) did not think that that view of the Motion—and the hon. and gallant Baronet admitted it to be correct—would much commend it to the Committee. In the course of the debate there had fallen from the other side of the House more than he could subscribe to. When the unfortunate contingency arose—for he admitted it was unfortunate—in which the Government had to choose between interfering with the prospects and careers of blameless individuals on the one hand, and maintaining burdens on the community by keeping in the public service and paying out of the taxes of the country officers whose services were not wanted, on the other, there had been too much disposition to assume that the right, or an allowable, course was to continue to maintain the useless officers for their individual benefit rather than to dismiss them for the interests of the public. Now, he contended that that was a complete inversion of the principle on which the public service ought to be conducted. The duty of the Government certainly was to keep the strictest good faith with these persons, and to mitigate in every possible way any inconvenience which they might suffer from dismissal. But it was equally their duty to plant the foot firmly, and decline to admit that useless offices were to be retained merely because their abolition might injuriously affect individuals. He could not compliment the hon. and gallant Baronet upon the form which his proposal had taken, because, if carried, it would be a Vote of Want of Confidence in the First Lord of the Admiralty. The hon. and gallant Baronet had not attempted to say that this office of Assistant Inspector of Yard Accounts was unnecessary; but he had rather complained that the First Lord had made a wrong selection. The hon. and gallant Baronet, in fact, invited the Committee to defer to his judgment in preference to that of the First Lord in reference to the simple appointment of an officer. Now, if his right hon. Friend had arrived at the dismal position in which he was not fit to be trusted with the selection of an individual to fill such an office as this, it was high time that his right hon. Friend should quit his post altogther.

Sir JOHN HAY said, he hoped his hon. and gallant Friend (Sir James Elphinstone) would not press his Motion to a division, although he had done quite right in demanding from the First Lord his reasons for appointing Mr. Fellowes to so important a post. Considering the deep interest which the hon. Member for Lincoln (Mr. Seely) had ever taken in all matters relating to the Admiralty, it was somewhat strange that he was not now in his place when this appointment was being discussed; but that hon. Member would probably forgive him for referring to the very peculiar relations which seemed to exist between him and Mr. Fellowes during the inquiry of last year. All the questions of detail put by the Chairman of the Committee seemed to be framed by Mr. Fellowes, who sat inside the Bar of the House and at the elbow of the Chairman, occupying a position which, as some persons thought, was not quite according to the ordinary usages of the House. Mr. Fellowes seemed, in fact, to be the naval conscience of the Chairman, who was indebted to him, not, perhaps, for broad views of policy, but for those minor questions which he thought necessary to lay before the Committee. It was said by profane persons out-of-doors that the First Lord of the Admiralty had been "muzzling Seely." What this meant he did not profess to know; he was quite sure the absence of the hon. Member for Lincoln was not owing to that operation. But at all events, Mr. Fellowes was the person selected to fill this office in the department which the hon. Member had so severely criticized; and he thought his hon. and gallant Friend (Sir James Elphinstone) had reason for asking why Mr. Yorke, who bore the highest character for financial skill, as shown in the First Lord's certificate just quoted, and had seen five years' service in the department, had been displaced to make room for this gentleman. With these observations upon the appointment, he would now appeal to his hon. and gallant Friend to withdraw this Motion.

MR. CANDLISH said, the Amendment really asked that Mr. Fellowes should be dismissed, and to do this would be to take the executive out of the hands of the Government. As a member of the Committee of last year, he thought that the First Lord of the Admiralty had exercised a sound discretion in appointing so well-informed, able, and industrious a person as Mr. Fellowes to this office, instead of a person who was supposed to have a vested interest in it,

MR. CHILDERS said, he had appointed Mr. Fellowes because he thought that the department of Inspector of Dockyard Accounts wanted additional assistance, and because, after the inquiry of last year, he felt satisfied that Mr. Fellowes would render valuable aid. He had no personal acquaintance with Mr. Fellowes. The knowledge which he acquired of that gentleman was a knowledge common to all the Members of the Committee; but he thought that, whether they had taken part with or against the hon. Member for Lincoln (Mr. Seely), all would admit that Mr. Fellowes was a person of experience and knowledge who would be most useful in the department.

SIR JAMES ELPHINSTONE said, that the reason given by the First Lord of the Admiralty would be valid if there was in the service no man equally able with Mr. Fellowes; but the fact was, that there were men in the service quite as good as that gentleman, or better. His object had been that this appointment should be thoroughly discussed, and that object having been achieved, he would withdraw his Motion.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

(2.) £224,073, Coast Guard Service, Royal Naval Coast Volunteers, and Royal Naval Reserve.

SIR JAMES ELPHINSTONE said, he hoped some explanation would be given of the changes which were proposed with respect to the Coastguard.

ADMIRAL ERSKINE said, the reduction in one item of the Vote led him to hope not only for a further reduction, but that before long that item would not be presented to the House at all in its present form. The reduction he alluded to was that in the retainer and drill money for a number of men of the Royal Naval Reserve. The reduction showed that so far from the country having been able to enrol 30,000 men as a naval reserve, it was not possible to obtain even the 16,000 men for whom Votes had been taken for several years past. The First Lord of the Admiralty, in introducing the Estimates, was right in cautioning the Committee against supposing that the measure he proposed of inviting the men of this force to take their annual drill afloat this year could be considered a test of the efficiency of the reserve in case of their being called out for real service in war. Apart from the difference between a pleasant summer cruize of a few weeks on good pay, with a liberal allowance for clothes, and an enforced service of three or even five years, on a much lower rate of wages than the men could obtain elsewhere, he warned the Committee against supposing that three or four months after the breaking out of a war any great number of those men would be found either in British ports or sailing under the British flag. Within a very short time after being engaged in war the carrying trade of the country would be taken up by non-belligerents, and the seamen would naturally follow the course of trade. If any hon. Gentleman doubted this he would refer him to the tables, in the Trade and Navigation Returns, showing the extraordinary fluctuations that had taken place since 1861, in the amount of tonnage and number of seamen. The last Returns of the Board of Trade showed that the total tonnage of British ships was 5,754,000 tons; that the number of ships was 29,000; and that the crews out of which the naval reserve was recruited mustered 255,000 men. In 1861-2 the increase of tonnage was 127,500, and of seamen 3,315, being about the average for many years past; whereas in 1862-3 the tonnage had increased by 393,000 tons, and the seamen by 15,515 over the previous year; in 1863-4 the increase was considerable, though not so large; but in 1867, for the first time for forty years, there had been a decrease in tonnage of 6,336 tons, and in men of 615.

These fluctuations admitted of an easy explanation. In 1861-2 they were acquiring a large part of the carrying trade of the United States, then engaged in war; but of late years the trade had been resuming its old and legitimate channel. We had only to apply the argument to our own case to be convinced that should we become belligerents our merchant seamen would have every inducement to follow the course of the trade which non-belligerents will carry on for us. He gave English seamen credit for as much patriotism as any other class, but it was impossible to believe that any men who lived by their labour would not carry that labour to the market where the best remuneration might be offered for it. He therefore came to the conclusion that to create a naval reserve it was not sufficient to impose on the men obligations which it was impossible to exact from them; but the public service should be rendered as inviting as possible, so as to make it the interest of the men to engage in it, in the event of a war, rather than in the private service of foreign countries. Such an arrangement was perfectly possible, and at a much less expense than had been incurred during many years for the naval reserve. After the experimental squadron returned from sea, he hoped that the First Lord of the Admiralty would have no objection to the appointment of the Committee suggested by the hon. Member for Montgomery (Mr. Hanbury Tracy), to inquire whether it would not be possible to get a reserve which would enable the country to maintain a peace establishment at as little cost as possible.

Mr. GRAVES said, he regretted that year after year doubts should be expressed with reference to the value of the naval reserve corps, because the effect of such remarks was to unsettle the minds of seamen with regard to that force, and to deter them from joining it. The men in the reserve were led by those expressions to suspect that some breach of faith towards them was contemplated. The hon. and gallant Admiral had spoken of an overflow from the merchant service into the naval reserve. The fact was that the merchant service felt it difficult to scrape together enough men to do its work. His own faith in the value of the reserve remained unaltered, and he should be glad if the Committee which the hon. and gallant Admiral (Admiral Erskine), desired to be appointed, should, at the proper time, inquire into the best means, not of doing away with the reserve, but of improving it. The First Lord of the Admiralty, who proposed to go afloat with the reserve and attend their drill, would have an opportunity of ascertaining their value, and when this question came on again next Session, he could suggest what improvements he thought should be made in that force. He (Mr. Graves) believed that, by the offer of the small sum of £1 a year, almost all the fishermen round the coast might be induced to enter the reserve, and the boys might be obtained by the offer of 10*s*.

Admiral ERSKINE said, that when he spoke of an overflow, he meant one into the merchant service from the Royal Navy, from which between 1,500 and 2,000 men were annually discharged. As to a breach of faith towards the naval reserve, the Act of Parliament enabled the Government to discharge those men whenever they liked.

Mr. CORRY said, he had often expressed the high opinion he entertained of the Royal Naval Reserve, but it might be agreeable to the Committee if he were to refer to the last Report of the Commodore Controller General of the Coastguard in proof of the efficiency, good character, and discipline of that force. That officer had reported that 9,000 men were drilled on board the eight drill ships, and that of that number 1,250 were fit for petty officers, 1,800 for able seamen, 4,800 for good able seamen, and 1,150 for fair able seamen. There were 5,000 men available for battery service. Only one man out of the 9,000 had been dismissed for bad conduct. He regretted to hear that it was contemplated to abolish the office of Controller General of the Coastguard, for he feared that its abolition would have a damaging effect on that branch of the service. There were some 8,000 men in the Coastguard who were serving under circumstances in which it was very difficult to preserve good discipline. It was difficult to enforce discipline on board the coastguard ships, on account of the ships themselves being manned with only about a quarter of their proper complements—which made it impossible to carry on the duty as in regular ships of war—and on account, also, of the connections on shore which were sure to be contracted by officers and men serving so long in the same locality. Neither was it easy to preserve discipline among the fleet-men on shore who were living with their families scattered in small bodies along the coast. But a very perfect organization was made for the control of the force when it was transferred from the Customs to the Admiralty. That was done in 1854 or 1855 by Sir Charles Wood. A Controller General and a Deputy Controller General were appointed, who had most important functions to discharge. The Controller General had to go round and inspect in their turn, which occupied a period of three years, all the stations in the United Kingdom, and reports were sent up to him by the district officers of the conduct, character, age, and other particulars of every man in the force. Every man had, therefore, confidence in the Controller General's knowledge and recommendations for promotion, and this operated as an incitement to zeal and efficiency which could only be expected under the control of an officer thoroughly acquainted with the force. The Coastguard, consisting of 8,000 men, was larger than the force on the Mediterranean, China, or North American station, and he had considered it so important that he had placed it under the command of a Rear Admiral instead of a captain as had previously been the case. But his right hon. Friend the present First Lord had substituted for the Rear Admiral Controller General and Deputy Controller, a captain who was borne on the books of the *Fisgard* to assist the First Naval Lord in coastguard and other matters. He (Mr. Corry) would as soon have thought of placing the Mediterranean squadron under the command of a captain borne on the books of the *Hibernia* at Malta. His intention, if he had remained in Office—and it was carried into effect to a considerable extent before he resigned—was to have substituted for the old line-of-battle ships some of the most effective armour-clads we had as coastguard ships. This would have been a reserve of ships such as we never had before—ten armour-clads, fully rigged, with all their guns and ammunition on board, so that in forty-eight hours they could be sent to sea manned partly from their own crews of 250 men and partly from the coastguard on shore. That would have been a fleet, on any emergency, adequate to the protection of the country, and it was a most mistaken policy to endanger its efficiency for the sake of the paltry saving to be effected by the incorporation of the Coastguard Office with the Admiralty, and the suppression of the offices of Controller and Deputy Controller, who carried on the duties of the department during the absence of his chief on his tours of inspection, which occupied a considerable portion of his time. He should like to know if these inspections were now to be discontinued, and whether the district captains were to carry on the duties without supervision, and without any uniform and organized system of management. A friend of his had called the other day at the Admiralty, wishing to get some Returns relative to the force; but, after asking this clerk and that, he could obtain no information respecting it. A few months ago, the most minute particulars about every man in it might have been had. He could not express too strongly the great objection he had to the change which had been made. It was most important to the efficiency of the force that it should be conducted under one head, who could devote the whole of his attention to it. He could not understand how it was possible to expect efficiency under what he must call the most unfortunate arrangement which had lately been made. Then there was to be a reduction in the number of the men, though, as it was small, he should not care so much about that. It had been foreshadowed by Lord Clarence Paget; the suggestion as to reduction four years ago and the actual reduction now having both originated with his right hon. Friend (Mr. Childers). He must protest against this force being looked upon by the Admiralty as a mere preventive force; it was a great naval reserve, which ought to be maintained as the only means we had of manning the Navy on an emergency. During the Crimean war they actually could not have sent the fleet to the Baltic but for the Coastguard, and if they were at war to-morrow the same thing would happen again. He had great confidence in the Royal Naval Reserve, but it remained to be proved to what extent its services might be depended on in case of emergency. But every man in the Coastguard was under the obligation to serve afloat when required, and therefore he thought it most inexpedient to reduce even in a small degree the number of that invaluable force. He hoped that his right hon. Friend was not going to reduce that force below its present number, which could not be done without grievously impairing its efficiency.

Mr. CHILDERS said, he was sorry to find that his efforts to promote the economy and efficiency of the service did not satisfy his right hon. Friend the Member for Tyrone (Mr. Corry). Whether he hit high or low his right hon. Friend was equally dissatisfied. In fact, anything that was, was good, and everything that was to be, was bad. He altogether despaired of satisfying him. He (Mr. Childers) entirely recognized the Coastguard as a great naval reserve, but he disputed altogether that they were only to be regarded as a reserve. One of their duties was to protect the revenue. His right hon. Friend said that as to the protection of the revenue, he did not care a straw, but that was a doctrine to which the House undoubtedly would not listen. It was perfectly true that in 1865 he (Mr. Childers) had suggested that, considering the great reduction in the preventive work of the Coastguard, some regard should be had to this circumstance in settling its strength. But he must point out that, as a naval reserve, the Coastguard was now very much more numerous than it was in 1865. In 1865 it contained a large number of civilians, and proportionately fewer sailors. Now it consisted almost exclusively of sailors; and these numbered more than were ever thought necessary in 1865. With reference to the arrangements for its superintendence, a separate department was certainly not necessary. It was in a condition to be administered perfectly well from the Admiralty itself. A change could not be made without some friction, but his perfect conviction was that the force would be more efficiently governed directly than through the separate intervention of the Controller's office. The force also was over-officered; and it would be much better if the districts were rearranged with a smaller number of officers. That might be carried out to a considerable extent; but they would proceed with great caution and care. As to the Royal Naval Reserve, he did not feel that he knew sufficient about it to justify any change in the Estimates. It was a subject of very great difficulty. On the whole, he thought the reserve very effective; but he had heard a good many suggestions and improvements that might be made in minor matters, though he did not propose that these should be adopted this year. The Admiralty and the Board of Trade would look very narrowly into the matter; a departmental inquiry would be made, and next Session he hoped to be in a position, if he held his present Office, to state distinctly the views of the Government on the subject of this and of other reserves. There was an impression that the naval reserve had fallen off, but after very careful inquiry he had ascertained that it had not. The number was the same within twenty or thirty as that given in the Return of last year.

Mr. LIDDELL inquired if the right hon. Gentleman knew the exact number of men?

Mr. CHILDERS said, that he had not the Return with him, but it was within a very few of that for last year. Before sitting down he wished to say one word respecting the squadron which the naval reserve men were to be invited to accompany. It had been said that this squadron would test their efficiency, but it was impossible to test the efficiency of the naval reserve fully until they were called out in time of war. There were no means of calling them out at present, but it would be much better if, instead of being called up for drill on ships in port, they went on a cruize. It would test the excellence of their gunnery drill at all events. He hoped to be at Portland when the squadron met there. The hon. Member for Liverpool (Mr. Graves) had spoken as if he (Mr. Childers) was going to command the fleet. He must say that, though he had no intention of doing anything so preposterous, he looked forward to that occasion with considerable interest.

Mr. Alderman LUSK said, he believed that the Government were pursuing the right path in reducing this Vote, which was £276,600 in 1867 and £263,000 in 1868. He hoped that the First Lord of the Admiralty would turn his attention to the Coastguard, a branch of the service in which he was informed there was a considerable waste of money. Duties now were nothing like so high as they were some years ago, and the temptations to smuggling consequently were much diminished. Upon the greater part of the Scotch coast, and many parts of the English, there was actually no such thing as a man walking about in a broad-brimmed hat with a spy-glass under his arm, and he thought there were places where their services might be dispensed with. As to what was said about stores and ships, he ventured to believe that if, for example, the hon. Member for Liverpool (Mr. Graves) with his experience and practical knowledge of what was required, would fit out and send ships to sea with much less outlay in stores and a considerably smaller number of men than Her Majesty's ships require. The naval reserve, again, had cost the country £133,000 year after year, till it was discovered that the force had dwindled down from 18,000 to 14,000 men, upon which the right hon. Gentlemen opposite last year consented to strike off £20,000 in one sum. He was told by persons well acquainted with the naval reserve that the country might not in case of need get in that force what it was paying for. The men received a yearly retainer of £6 each, and a further payment of £4 for the period occupied in training. He was assured that the retainer was the great inducement, and that if this were withdrawn—as it might advantageously be, for six months, at any rate, to test the value of the force—there would be no naval reserve at all. The Volunteers gave their services gratuitously—why should the naval volunteers require a retainer? They should, however, be paid handsomely for their services when called out.

Sir JOHN HAY said, he entirely differed from the hon. Member who had last spoken, and from the hon. and gallant Member for Stirlingshire (Admiral Erskine) in the estimate which they had formed of the naval reserve, and he was surprised that hon. Members should be so anxious to do away with what was justly regarded as the naval backbone of the country. He was glad to find his right hon. Friend was going to give the naval reserve a little sea practice, which would show what naval capacity the men had, and what knowledge of gunnery they had picked up. A large iron-clad fleet had been built, and a considerable number of small cruizing vessels; there was also a fleet of contract steam vessels, which in case of need could be used as cruizers. But what good would all these be without sailors to man them, and where were they to turn for men except to the Coastguard and Royal Naval Reserve? The House would remember the anxiety which pervaded the public mind some years ago upon this subject, when a Committee was appointed, presided over by the present Secretary of State for War; the system now existing grew out of the recommendations of that Committee—[Mr. Cardwell: Hear, hear];—and he was persuaded that the retaining fee given to the Royal Naval Reserve was money well spent in saving the country from from those periodical panics. The hon. Member for Finsbury (Mr. Lusk) seemed to think that the most effectual way of promoting the efficiency of the force was by doing away with the retaining fee, and so abolishing the only claim which the country possessed upon the services of these men. In the case of the *Trent* affair it was shown that a sufficient number of the naval reserve men were willing to come forward. Of the 16,000 men upon the books 6,000 or 7,000 could be relied upon to come forward in the first two months, and if hostilities lasted for twelve months there would be 12,000 of the total number actually serving on board our ships. Surely that was a reserve worth paying for? Then as to the Coastguard. His right hon. Friend opposite seemed to think that adverse criticism was levelled at all the changes he desired to introduce. On the contrary, there were many of his changes which were admittedly improvements. Some of them had been suggested and actually commenced by his predecessors, while others he had the credit of originating as well as of carrying out. It would undoubtedly be a great improvement to have the management of the Coastguard under one roof. And if Whitehall were larger, it would be for the benefit of the public service that the various heads of naval departments should all be within easy reach of the First Lord, instead of being scattered and separated in various buildings. But it was quite a different thing to deprive the Coastguard afloat of a suitable head. The proposal to concentrate the Coastguard, and ascertain what they had learnt in their different drills, was one which he highly approved. But nobody would think of assembling ten ships of the first class for purposes of exercise without placing them under suitable command, and hence he thought a mistake had been committed, when the Coastguard were about to be assembled, in depriving them of a flag officer to command. There was no more gallant or able officer than Captain Willes, who had been been brought to the Admiralty in reference to this matter; but he was junior to two or three of the captains who would be in command of the ships, and therefore navally he could not assume the command of the force. An officer who was to have charge of this great fleet ought to be competent, not only by skill and experience, but also by position in his profession, to command the whole, and, as this would not be the case, he felt that a great mistake had been made. He always thought that the arrangements for the services rendered by the Coastguard to the revenue were subordinate to those they rendered in defence of the country. At the time of the debate in 1865, the number of seamen in the force was 4,000, while the number of civilians was 1,200, and it had been promised that seamen should be substituted for these civilians; whereas the number of seamen in that service at the present time was only 4,500. How had that increase been effected? It was understood in 1865 that as the civilians were taken off the books their places were to be supplied by seamen, and it was therefore at that time contemplated that eventually the number of the seamen would be increased to 5,200. Lord Halifax, who had great experience on the question, stated it to be his view that the number of the seamen in the force should be increased to 10,000. Therefore the right hon. Gentleman the First Lord of the Admiralty was mistaken when he took credit for having increased the number of seamen in the Coastguard. Of course the 500 seamen who had been added to the force were more serviceable than the 1,200 civilians who had been got rid of; but still the force fell considerably short of the 5,200 to which it was contemplated in 1865 that the number of seamen should be raised. To the subject of feeding the Royal Naval Reserve he had given some attention. He did not think that it could be expected that the Navy Estimates should bear the cost of education of any other boys than those who were being trained for the express purpose of filling up the waste in the number of seamen in the Navy. The waste in the naval reserve might, however, be supplied by boys who lived in the neighbourhood of the seaports who wished to become seamen, and who might be taught sailoring on board training ships in the various ports, the cost of their instruction being borne either by the local rates or by some arrangement between the Vice President of the Council of Education, the Board of Trade, and the Admiralty. The names of such boys would be entered upon a register, and while they were made useful citizens they might be relied upon to join the Royal Navy in times of emergency. He had endeavoured to indicate in a few words what would take a long time to make thoroughly clear, but he trusted that he had made himself generally intelligible.

Mr. HANBURY TRACY said, the intention of the hon. and gallant Member for Stirlingshire (Admiral Erskine) and of others who were interested in this subject was not that the naval reserve should be swept away, as the hon. and gallant Gentleman opposite (Sir John Hay) appeared to assume, but that the whole of the existing system of naval reserves should be inquired into. The right hon. Gentleman the First Lord of the Admiralty in alluding to the Coastguard service, had accidentally let out that it was impossible to say how far our naval reserve could be relied upon, and that, in truth, was the real question under consideration. What was complained of was that the Admiralty allowed years to elapse without doing anything in the matter at all. Last year an hon. Member had moved that the Vote for the naval reserve should be reduced by £25,000, and the hon. and gallant Gentleman opposite had assented to the Estimate for that purpose being reduced by that sum, and the result was that the number of men had continued the same, notwithstanding the fact that such a reduction had been made in the cost of maintaining that force.

Sir JOHN HAY explained that the Estimates were framed in accordance with the ordinary practice, which always took credit for the whole established force, and contemplated increasing the number of men in that force up to its normal number of 16,000, and therefore, the additional sum proposed to be taken, and struck off on the Motion of the hon. Gentleman opposite — he believed the hon. Member for Stirlingshire — not being voted, the force had not been filled up in accordance with the original intention of the then Government, but left at the number now borne.

Mr. HANBURY TRACY said, that notwithstanding the reduction in the Estimates to which he had referred the number of men in the force had remained the same. From inquiries he had made among the seamen in the force he found that a large number who had attended the review last summer had said that they had quite enough of belonging to the naval reserve, and that they should leave it. He was sorry that the captains of the ships upon that occasion had not sent up a report of the behaviour of the naval reserve, as he had heard that it was shameful.

Mr. CARDWELL said, this was a very important question, because, if after an experience of ten years, the reserve could not be depended upon for the Navy, where the difficulties of finding a reserve were certainly not greater than those of finding a reserve for the army, it was a very serious matter for the country. He rejoiced to know that it was the intention of the First Lord of the Admiralty to institute a full and careful inquiry into the subject. His hon. and gallant Friend who spoke last was mistaken in saying that he (Mr. Cardwell) was Chairman of the Commission which recommended the establishment of the naval reserve; but he had had the honour of proposing the plan which the Commission adopted. The hon. and gallant Member for Portsmouth (Sir James Elphinstone) who was an active Member of the Commission, would recollect the difficulties they had to contend with at that time. There was a feeling of almost universal distrust as to such a scheme proving effectual for its purpose; and some high authorities had even expressed the opinion that naval impressment must be still resorted to in times of emergency. By the institution of a naval reserve it was, however, believed by those who were in favour of it that the difficulty had been solved. It had been said that the men in the naval reserve could not be trusted to come forward in an emergency, and to his great surprise he heard an hon. Friend of his (Mr. Alderman Lusk) propose that, by way of testing this reserve, their retainer should be discontinued— the result of which would be the same as would follow such a course in the Militia—namely, that the men would consider their obligation to serve in the event of any difficulty at an end. Experience had shown not only that the men in this reserve force might be relied upon in an emergency, but that they might be relied upon when no emergency existed, and when, therefore, the terms of their engagement did not call upon them to serve. They had not had the opportunity of coming forward in time of war, and he hoped it would be long before that opportunity arose; but they had had the opportunity of volunteering in the *Trent* case when there had been no war, and they had come forward in large numbers — far beyond what the occasion required. Therefore, he maintained, they had every reason to trust them. What he wanted for them was fair play and nothing more. Let the inquiry be perfectly fair and just as between the reserve on the one side and the public on the other. The question was an important one. He knew of no question so important as regarded our army and navy as the question of how far we could substitute for the regular forces engaged in the military service of the country a great popular body, who, while engaged for the greater part of their time, as the naval reserve was, in the ordinary occupation of earning their bread among their fellow-citizens, should, nevertheless, give a portion of their time to such training as would make them useful as a reserve which could be depended upon in case of an emergency. He believed that the class whose case was now under discussion were men of that character, and he should remain of that opinion unless the result of a fair inquiry should show him that he had been mistaken. He hoped that those men would prove to be the vanguard of a reserve body which might be established not only for naval, but for military service; and, therefore, he should be sorry to see any discredit thrown upon them by the country till experience proved that they were unworthy of its confidence.

Mr. LIDDELL said, he was glad to hear the just and generous sentiments to which the right hon. Gentleman (Mr. Cardwell) had given utterance, and which would tend to remove what he (Mr. Liddell) could not but regard as the false and mischievous impressions likely to be created in the country by the remarks they had heard with respect to this reserve force. Speaking on behalf of a seafaring population in the North, who contributed largely to that reserve, he could not but express the regret with which he had heard some of the observations made that night, not only by civilians, but by naval officers. On the other hand, he courted inquiry. He believed that the men of the reserve would be the last to shirk inquiry. They would be glad of it, because it would show what their services were, and what they were prepared to do if called upon; but he trusted that, whatever else might be done, the advice of the hon. Member for Finsbury (Mr. Alderman Lusk) would not be taken, and the retaining fee withdrawn. That fee was the real hold we had on them. For a comparatively small sum we had the power of laying our hand on the *élite* of our mercantile marine. Whether they were in this or in foreign countries, the "shipping masters" of the various ports had their names, and a record of the places in which they were to be found. Again, he knew from his own experience, that the system of enrolling these men had united the seamen of the "merchant" and the naval services by that highest feeling, a desire to unite as one force in defence of their country. The training they received as a reserve was extremely useful to the discipline and tone of our mercantile navy. He hoped, therefore, that the House would cling tenaciously to a system attended with such beneficial results.

Admiral ERSKINE said, he had, in three successive years, moved for a Return of the number of those men, and the places in which they had been enrolled; but each time he had done so, he had been met with remonstrances on the ground of the difficulty there would be in furnishing such a Return. He had been informed that it would take six weeks to make it out. He had moved for it more than a month ago; but at this moment he was in communication with the Board of Trade, which Department assured him that the Return could not be furnished without a great amount of clerical labour. If those men could not be got on paper, how were they to be got in the flesh? [Sir James Elphinstone: Apply to the Registrar of Seamen.] He had applied to the Registrar of Seamen, who had given him a paper printed in blue ink, which was distributed monthly at different ports, but the numbers given in it were those of all the men who had enlisted since the establishment of the force, with incorrect deductions for each year subsequently. His right hon. Friend the Member for Tyrone (Mr. Corry) had referred to the Coastguard. The number of these men was about 8,000, and the Vote to be taken for them was £739,521. The number of seamen and marines was 28,000, and the Vote to be taken for them was £948,292; so that, in point of fact, we were paying for 8,000 coastguardsmen two-thirds of the amount for which we got 28,000 seamen and marines of the regular Navy. During the Crimean War he had what he was going to call the misfortune of having 400 of these coastguardsmen under his command. Younger men had given him much less trouble, but they were not even the best guardians of the revenue. During the time they were withdrawn from their ordinary duties to serve in the Navy, their place on the coast was taken by old pensioners. In reply to a Question from Sir Stirling Maxwell, on the 9th of May, 1856, Mr. Wilson stated that there was no reason to think smuggling had increased, while the pensioners were doing coastguard duty, but, on the contrary, while in 1853 the duty received on tobacco was £4,750,000, in 1854 it was £4,871,000, while there was a diminution of expenditure on watching smugglers to the amount of £21,000, making a saving in one year, by employing pensioners, of £142,000. Adding that to the £179,500 voted for the Coastguard, the amount would exceed £800,000, a sum sufficient, one would suppose, to supply a force to protect the revenue, and leave a large surplus for maintaining a body of real seamen.

Sir JAMES ELPHINSTONE said, he could corroborate the remarks of the right hon. Gentleman the Secretary for War, as to the distrust which had existed in respect to the reserve. But he thought the difficulty of the matter was solved by the statements laid before the Commission by the right hon. Gentleman and Captain Browne. He was anxious that his right hon. Friend the First Lord of the Admiralty should recollect that the season during which he proposed to call out the reserve was just the one when merchant ships would be going out on different foreign voyages. The numbers who would come forward might, therefore, not be so large as we might otherwise have reason to expect. He was happy to see the turn the discussion had taken. Living on the East Coast of Scotland there were a number of men belonging to the naval reserve, and he observed that the training to which they were subjected had an excellent influence, not only on themselves, but on the whole of the seafaring population. It was a matter of serious consideration, now that the state of our mercantile marine was almost degraded by the introduction of foreign seamen, whether it was politic to withdraw that example.

Mr. T. E. SMITH said, he wished as a shipowner and representative of a borough (Tynemouth) which had largely contributed to the naval reserve, to say, that he believed there was included in the force the best section of the mercantile marine. He thought it would be exceedingly discouraging to these men, who had given and were willing to give good service in return for the remuneration they received, if it was to go forth to the world that the House doubted whether they would fulfil their engagements to their country as loyally as their country fulfilled these engagements with them.

Mr. CORRY said, he desired to remind the hon. and gallant Member for Stirlingshire (Admiral Erskine), who had referred to the troublesome conduct of the Coastguard men on board the Baltic fleet, that the occurrences he had alluded to took place not under the present system, but when that body was under the control of the Customs, instead of, as now, under naval command and naval discipline.

Vote *agreed to.*

(3.) £62,820, Scientific Branch.

(4.) Motion made, and Question proposed,

"That a sum, not exceeding £1,086,004, be granted to Her Majesty, to defray the Salaries of the Officers and the Contingent Expenses of Her Majesty's Dockyards and Naval Yards at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March 1870."

Mr. CHILDERS said, he desired to remind the House that when the general subject of the Estimates were first brought forward this Vote formed the subject of a Notice given by the right hon. Gentleman the Member for Tyrone (Mr. Corry). His right hon. Friend objected to the building of three ships of the new construction in our yards. [Mr. Corry: Two.] He feared that he must correct his right hon. Friend, because his right hon. Friend objected to building any new ships whatever this year, and his amendment was to reduce the Amount taken for all the new ships under Vote 10.

Mr. CORRY said, that his objections had been made against the building of any more sea-going turret ships until the *Captain* and the *Monarch* had been tried. The smallest of the three vessels, he believed, was intended for coast defence, and to the application of the turret principle to the defence of our coasts he had made no objection.

Mr. CHILDERS said, that his right hon. Friend had at first given notice of his Motion on this Vote, but had subsequently altered it to Vote 10. As it, however, related to this Vote he trusted that the discussion would be at once taken and the question decided without any unnecessary delay. Provision had been made in the present Estimates for the building of two new turret-ships at a cost in the present year, exclusive of engines, of about £60,000, or, inclusive of engines, of about £80,000. Of that amount they proposed to take in the present Vote £40,000, and his right hon. Friend proposed to reduce No. 10 Vote by that sum, though it included there the third ship. But as that was the sum for labour on the present Vote the Amendment would fairly raise the question now. It was true that his right hon. Friend offered them the alternative of not objecting to the granting of this money if they would undertake to expend it in the building of some other class of ship; but, as he would presently show, that alternative they were not in a position to accept, and he felt it his duty distinctly to ask the Committee to affirm the policy on which this Vote was based, namely, that of carrying out, during the present year, the construction of two new turret-ships. With respect to the policy of further reducing this Vote he could not help feeling that it would be a course to be deplored. Last year there was a great reduction made by the late Government in the number of men employed in the dockyards—5,000 men being discharged between March and July—and a further reduction of 1,000 men would take place in October by the closing of the Woolwich Yard. If they went still further and reduced the number of men in the dockyards by 600, which would be the result of the course proposed by his right hon. Friend, it would be going even further than he, who had been so frequently accused that evening of undue economy, was prepared to advocate. He believed it would be impolitic for this country immediately and suddenly to stop the building of a moderate number every year of efficient sea-going iron-clad ships. The year before last the right hon. Baronet the Member for Droitwich (Sir John Pakington) proposed to build four iron-clad ships in addition to a very large number of wooden ships. Last year it was proposed to build five additional iron-clad ships. [Mr. CORRY: Six.] Yes, six; and this year he (Mr. Childers proposed to build only three. His right hon. Friend suggested that the money should be expended on some other class of ship, but he was not prepared to advise the adoption of any other class, and especially of wooden vessels. Of that class too many, in the opinion of some had been built lately, and after the debate of last year he did not think it advisable to recommend the building at present of any more broadside iron ships. Practically, therefore, they had only the choice between building these turret-ships and not building any at all. He had described on a former occasion the character of the turret-ships it was proposed to build, and he presumed it would not be necessary to repeat that statement; but he would again mention one or two points in connection with them. It was proposed to build—leaving out of the question the second improved *Hotspur*, to which it now appeared that no objection was raised—two ships of the most powerful type ever constructed. These two ships would be of 4,400 tons, 285 feet in length, with a draught of water of from 25 feet 9 inches to 26 feet 6 inches, and with engines of 800 nominal horse power, working up to seven times that power, able to propel the ship 12½ knots an hour. They, moreover, would have the remarkable power of carrying 1,750 tons of coal, which would be sufficient for ten days' consumption at 12 knots, eighteen days' consumption at 10 knots, and from twenty-five to thirty-five days at a low rate of speed. They would carry 250 officers and men. They would have two 25-ton guns in each turret. The freeboard would be 4 feet 6 inches, the base of the turrets being protected by a breastwork of oval form, 7 feet high, making together a height above the water-line of 11 feet 6 inches. There would be 12-inch and 10-inch armour on the sides and the breastwork, and 14-inch and 12-inch on the turrets, with 13-inch to 20-inch backing, and 2-inch and 2½-inch plating on the deck. There would be this peculiarity about these ships, that they would be thorough sea-going vessels without masts, so as to enable them to give an all-round fire. The proposal to build these ships had been subjected to much criticism. It was said by his right hon. Friend opposite and others that it was a very rash experiment to build sea-going ships without masts, and that, in fact, they would be different from anything that had been built, or had been proposed to be built. He confessed that he heard the statement with surprise, from his right hon. Friend. The ships he proposed to build were only an improved —a considerably improved version of the *Glatton*, which his right hon. Friend opposite had himself taken a Vote to build this year. The *Glatton*,—which his right hon. Friend described very carefully last year,—was not nearly so efficient as these new ships would be; she had only two guns as against four; she could go only 9½ knots as against 12½, and could carry only 500 tons of coal instead of 1,750 tons. Yet, the *Glatton* was distinctly designed as a sea-going ship. [Mr. CORRY: No.] He must differ from his right hon. Friend. He had carefully read the Minutes on record upon this subject, especially that of the hon. and gallant Member for Stamford (Sir John Hay), and he challenged contradiction that the *Glatton's* draught of water for instance, and other properties, were distinctly not those of a harbour and coast defence ship. In fact, his right hon. Friend had described her as a ship that would be able to go to the Mediterranean or other distant parts, and to take part in any general action. The difference between the proposed ships and the *Glatton* was that the proposed ships would be 285 feet in length instead of 245; would be able to run for twenty or even thirty days with their 1,750 tons of coal; they would go faster, and, considering the top breastwork was 11 feet 6 inches and the distance between the water-line and the guns was 13 feet 2 inches, they would be more seaworthy vessels than the *Glatton*, with its 8 feet 6 inches of breastwork and 11 feet 2 inches between the water-line and the guns. The charge, therefore, that something new was being proposed was substantially disposed of when the novelty was found to be simply an improvement on the model of last year's Admiralty. The criticisms on the adoption of the twin screw were opposed to theory and example. The greater the draught the more efficient the twin screw. They had been told there was no evidence in favour of a twin screw for ships drawing but 13 feet, but the *Glatton* drew 20 feet, and it had a twin screw, and the French Government was building a ship of the same draught with twin screws. It had been objected also that a turret-ship should not be built with so great a draught as 26 feet, because she would not be available for coast and harbour defence—that the draught ought not, at the outside, to exceed 17, and should more properly be under 14 feet. These new ships, however, he repeated, were not designed to serve as coast defenders, but thorough sea-going vessels, capable of traversing the Atlantic or taking part in an action as efficient fighting ships. The safety of the ship was increased by the twin screw; to disable her it would be necessary to damage three of her four distinct engines and one of her screws. The resolution to build these ships had not been come to hurriedly. Sir Sydney Dacres, Sir Spencer Robinson, Admiral Key, Captain Willes, Captain Seymour, with his noble Friend (Lord John Hay), who were all at the Admiralty, were all consulted, and, thinking it wise to take further counsel, they had obtained the opinion of Admiral the Earl of Lauderdale, Admiral Yelverton, Captain Coles, Mr. Whitworth, Dr. Woolley, and Mr. Fairbairn. He did not think it necessary to appoint a regular Committee, but he had asked these distinguished officers and men of science to meet his Colleagues and himself at the Admiralty in order to apply to the proposals of the Controller and the Constructor the most severe criticism. With respect to one of these officers, the Earl of Lauderdale, he had, as a member of the former Turret-ship Committee, expressed great doubt as to the possibility of constructing any sea-going turret-ship, and it was therefore to be expected that any view he would take would be qualified in accordance with the opinion he had given before the Committee. Indeed that Committee had embodied in their Report, as their opinion, that there would be great difficulty in constructing a sea-going turret-ship, more especially one to force its way against heavy trade winds, monsoons, and strong periodical winds that were met with in all parts of the world. Knowing, therefore, that Lord Lauderdale retained this opinion, he would not quote him on the present occasion, although he concurred in the Memorandum signed by the other gentlemen. They said—

> "On the first point, 'the lowness of freeboard,' there appeared to be a unanimous opinion that the thickness of armour required to meet such naval artillery as is even now found at sea could only be carried by a ship of low freeboard, and a general concurrence of opinion that the height given in the design was sufficient for the services on which it was intended to employ these ships. On the second point, the employment of two screws double engined in connection with the draught of water proposed, there was an entire unanimity of opinion that the great draught of water was favourable to the action of twin screws, and that great security from accidents totally disabling the steam power was to be found in their adoption. It was considered that some trifling loss of speed might possibly follow from the use of two screws instead of one, but the necessity of the arrangement entirely overcame this disadvantage. On the third point, the absence of masts, there was a strong concurrence of opinion that, for this particular design and for the services such a ship was capable of rendering, the absence of masts was indispensable, and that their presence with any advantage that could be derived from it was far more than counterbalanced by the disadvantages attending their use, the security derived from double engines and the large supplies of coal carried by the ship being more than equivalent to any useful effect obtainable by masts and sails in ships of this construction intended to be sea-going ships.
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> "Finally, it was agreed that while no existing monitor ship afforded any conclusive comparison with the present design, every kind of experiment with monitor ships should be made, the

present design being pushed forward as rapidly as possible."

These were the opinions and criticisms of the distinguished officers and other persons whose names were given, and they enabled the Admiralty to see that they were supported, not merely by the opinions of professional members of the Board, but by those of the most distinguished gentlemen they could ask to assist them. Irrespective, however, of objections to the design, his right hon. Friend had asked them why they did not wait for the trials of the *Captain* and the *Monarch*; but in the opinion of those whose advice he had just read the vessels afforded no grounds of comparison on which they would be justified in building or not building ships of this design. Both in respect of freeboard, of the central breastwork, of carrying power, of all-round fire, and in other matters, they were quite a different class of vessel, and their success or failure would tell us little. Besides, now we had experience with reference to ships more similar to those proposed than the *Captain* and the *Monarch*; and that experience enabled us to see what their faults were and how they could be avoided. Two well-known American Monitors, the *Monadnock* and the *Miantonomah*, were not entirely satisfactory, but we had been able to see in what respect they were not, and to avoid their defects. The *Monadnock*, 3,300 tons, with a freeboard somewhat lower than that proposed, went to the Pacific, and the other vessel had twice crossed the Atlantic, had fallen in with heavy weather, and had behaved perfectly well. Their faults were manifest, and these had been avoided. One immense disadvantage was their not carrying much coal; but the proposed vessel would carry a considerable quantity. Another disadvantage of these ships was that they had no breastwork over which the guns could be worked safely during heavy weather. A British officer, who came over in the *Miantonomah*, reported that while the other ships were rolling 20 degrees she rolled barely 4 degrees. Therefore there was a considerable amount of actual experience in favour of the opinion on which the Government based their proposals. He should strongly deprecate any further delay in the matter, because the *Captain* and the *Monarch* could not be completed to be tried this summer; and it would not be prudent in Parliament to delay the building of the ships proposed, for we had only two ships whose armour was sufficient, and that barely, to withstand the gun with which ships were, or were to be, armed in other navies. On these grounds they ought to go forward and build the proposed iron-clad ships; and he therefore asked the Committee to pass the sum asked for in this Vote.

MR. CORRY said, he quite agreed it would be unadvisable further to reduce the number of artizans in the dockyards, and it was on that account that he had proposed to take the division on Vote 10 instead of Vote 6, his object being that, if his Amendment were carried, the artizans might be employed on other work. He was sorry, therefore, that the course taken by his right hon. Friend (the First Lord of the Admiralty) left him no alternative but to take the division on Vote No. 6. It was quite contrary to his intention that his Amendment should lead to the discharge of workmen from the dockyards, and he did not understand why it should do so. It is true that he had stated in a Memorandum he had left at the Admiralty that it was not his intention this year to lay down any new ships—armour-clads or unarmoured; but he saw no reason why two or three turret coast defence ships should not be built, instead of the two sea-going turret-ships to which he objected. Therefore, if any workmen were discharged, the fault would not be his. The right hon. Gentleman had spoken of the *Glatton* as being in most respects like the turret-ships he proposed to build; but the *Glatton* was never intended to be a sea-going ship. It was quite true he had said she might be sent to the Mediterranean or anywhere else; but he never intended that she should make the passage by herself. He intended that she should do so exactly in the same way as the *Miantonomah* made her passage across the Atlantic, under convoy, and in tow if anything went wrong. The quantity of coal which she could stow—only 500 tons, would have been wholly inadequate for a vessel without masts, if she had been intended to depend on her own resources as a seagoing ship, and is a proof she was never designed for such service. Then the draught of water of the *Glatton* was only 19 feet. That was the draught given him by the Controller, but his right hon. Friend seemed to think that it made very little difference whether a vessel drew 7 feet more or less. He (Mr. Corry) thought that 19 feet was too great a draught for a vessel intended for coast defence, but the Controller said that the other objects which must be kept in view could not be attained if the draught were reduced to 16 feet. It was not his (Mr. Corry's) fault if she drew more than that. The right hon. Gentleman said that, if even we waited for the trial of the *Captain* and the *Monarch*, no criterion would be furnished as to the advisability of building the proposed ships. It might, however, be found that the freeboard of the *Captain*, which was higher than that of the *Monarch*, was too low, and then *à fortiori* the freeboard of the intended turret-ships would be too low also. He wished the Committee to understand that he did not appear there as an enemy of the turret principle as applicable to sea-going ships. On the contrary, he had been one of the strongest advocates for trying the experiment, and in 1865 he made a speech complaining of the supineness of the Board of Admiralty in not having tried the experiment sooner. All he said now was — Let us be cautious and do not let us—when the principle will be tested in the course of a few months by the *Captain* and the *Monarch*—go hand over head, committing the country to an expenditure of £600,000 on two sea-going turret-ships before one has been tried, for he maintained that no turret-ship, having any claim to be considered a sea-going ship in the proper acceptation of the term, had ever yet been tried at sea. He also hoped that the Committee would not be prejudiced by anything said or written out-of-doors on this subject. The late Board of Admiralty had been held up as the most weak, helpless, and ignorant Board that ever sat at Whitehall, for denying that the applicability of the low freeboard turret principle to sea-going ships had been fully established. Some of the Admiralty critics had directed the most insulting language against the late and previous Boards. Sir Frederick Grey, who was First Naval Lord under the late Liberal Government, asserted in a pamphlet that America had no available sea-going

turret-ships; and in the latter part of last year a gallant captain who had taken a leading part in censuring the Admiralty, wrote in *The Times* as follows:—

> "You have seen them (low freeboard turret-ships) cross the Atlantic, go to St. Petersburg, pass Cape Horn, reach California, yet the gallant old Admiral says America does not possess one sea-going iron-clad."

The letter then referred to Admiral Boutakoff's squadron (in the Baltic) of seventeen monitors and turret-ships, and that under Admiral Porter in the United States, and went on to express the hope that if they should appear off Halifax or Aberdeen the good folks may be able to sleep soundly on Sir Frederick's assurance. It was some consolation to find that the Liberal Board of Admiralty had been blamed as much as his had been, but he would show that, after all, the "gallant old Admiral" was right, and that these Russian and American vessels had no pretension whatever to be considered effective sea-going ships. The letter to which he referred was made the text of an article in a leading journal, in which very strong language was used, and in which the ignorance, stupidity, and weakness of the Board were commented upon. The writer said—

> "A Board of Admiralty with better intentions, but at the same time weaker than the present, has probably never been known. Their want of information is surprising to all who draw their knowledge from other sources than those of the Department itself. It bodes ill for the nation when its responsible Ministers declare that no sea-going turret-ship has yet been seen. Admiral Boutakoff is cruizing in the Baltic at the present time with twenty-two pendants, of which no less than fifteen are turret-vessels, and more are to be added."

Now it so happened that at the time that article was written an English man-of-war, the *Liffey*, was at Cronstadt on a special mission, and Captain Johnson, on reading these assertions, considered it his duty to write a letter to the Admiralty on the subject. He had seen the turret-ships composing the Baltic squadron, and knowing that they had no pretensions to be sea-going vessels, he wrote to the Admiralty to describe them. Captain Johnson said the Russians sent over an Admiral to America during the civil war to obtain information respecting Monitors, and then continued—

"His report of them was so favourable as a means of coast defence that the Russian Government at once constructed ten of the exact American type. These vessels are only a few inches above the water amidships, and the commander of one of them told me that at sea—that is, in the Gulf of Finland—the turret was covered by a painted canvass cover battened down to the deck, but that even then a good deal of water got below, but which the pumps got rid of. Questioning Admiral Lezoffsky (the same as sent to America to inquire), who was Governor of Cronstadt when I was there, he said they were never even thought of as ocean-going vessels, but were admirably adapted for their purpose—that of coast defence; and I agree with him there, for in the shallow and intricate navigation of the Gulf of Finland, where shelter can be obtained easily by a vessel of light draught, I can imagine no better vessel. The question of the monitor class of vessel being fit for ocean cruizers will not, I think, with sailors, be any question at all. Landsmen merely judge from the fact of these vessels having crossed the ocean, but I believe they were convoyed; and for a few vessels to make a passage in safety is no criterion of their usefulness for war purposes at sea. The steady platform obtained by the deep immersion is cancelled by the inability to open the port to fight the gun. A vessel must either rise over the sea, or the sea will go over her, as is evidenced by the covering of the turret, &c. Since the building of these monitors the Russians are constructing other turret-vessels; but they all admit they have not solved the problem of the steady platform, to be obtained by what is called low freeboard, in combination with sea-going qualities. They must be either high out of the water to give them sea-worthiness, with all the impediments of masts and rigging to interfere with all-round fire, or they must confine themselves to coast defence where shelter can be obtained and coal replenished."

These were the types of the vessels which, as they were told, proved that the turret principle could be safely applied to sea-going ships of war, and justified public writers in branding the Admiralty with ignorance and other opprobrious epithets with respect to the American turret-ships. He had another letter, which threw some light upon their claims to be considered as sea-going ships, and it was written, not by an effete admiral, but by one of the ablest captains in the Navy, an officer in the prime of life, quite up to all the modern improvements, and knowing as much about the Navy as any man in the service. This officer said—

"I went on board the *Miantonomah* shortly after her arrival at Spithead from America. I never saw such a wretched, pale, listless set of officers and men. They seemed to have no 'go' left in them, and crawled about the decks in a state of debility, one and all. I was shocked and immensely struck by their inactive appearance, which remained vividly impressed on my mind's eye. More than one officer declared he would not for any consideration, of his own free will, go through the same experience gained by his voyage across the Atlantic. The vessel was compared to a dungeon under water filled with a stifling atmosphere by a steam-engine, the crew had no place to go to in bad weather, all the openings battened down in a very light breeze, and the foremost cowls, which were very high, and through which the engines and fans on the lower deck drew the fresh air, were turned aft to keep the water out, so that for days and nights the crew were kept below living upon and breathing over and over again their own breath. After a resuscitation on English beef fêtes and dinners, the *Miantonomah* had her character and capability changed in a wonderful way with the returning health and spirits of those on board. She was called a good sea-boat, could fight her guns during heavy weather (they never having been cast loose at sea). She was a model of comfort and security, as the turrets afforded fresh air and a promenade. I sincerely trust we shall not waste money on any costly turret-vessel until the capabilities of the *Monarch* and the *Captain* have been shown."

This was a good illustration of the value to be attached to the assertion that it had already been proved that low freeboard turret-ships were fit to be employed as cruizing vessels at sea, on the strength of the fact that the *Miantonomah* had crossed the Atlantic and the *Monadnock* rounded Cape Horn. Again, what happened in the case of the *Wyvern?* She was built for the express purpose of crossing the Atlantic, and reinforcing the Confederate squadron at Charleston, and, no doubt, if she had succeeded in escaping from Liverpool she would have done so, and we should have had flaming accounts of her performance. But what was said of her by the Admiral in command of the Channel Squadron with which she was tried in the year 1866? Alluding to a particular occasion on which the broadside-ships were ordered to fire at a target in a heavy seaway, Admiral Yelverton wrote—

"The turret system of arming a ship would have had a great triumph on this occasion, for there is no doubt a sea-going turret-ship—say 12 feet or 14 feet out of the water—would have fought her guns without the slightest difficulty. I do not allude to the *Wyvern,* for the sea would have washed into the ports of her turrets and swamped everything inside. . . . This ship could never have been intended as a cruizing or sea-going ship. At sea she is almost always battened down, to the exclusion of air in the stoke-hole and engine-room. If she were to cross the Atlantic I should advise that, like the *Miantonomah,* she be escorted by a powerful steamer. I was informed by Captain Burgoyne that, on the occasion of steaming down Channel, this vessel had two of the fires partly extinguished, and she is totally unfit for the duties of a sea-going vessel."

Admiral Yelverton approves of the turret principle, with a comparatively high freeboard; but we have had no proof—no reliable opinion—that vessels with a low freeboard, such as those now proposed, will be fit for service at sea. His right hon. Friend had given the Committee a list of officers and others whose high authority he stated was in favour of the building of those two turret-ships. Now, he confessed he was much surprised at some of the names which his right hon. Friend mentioned, as he had good reason for believing that their opinions were the other way. All he could say as to that, however, was, that he had made it his business, since these vessels were first proposed, whenever he met a naval officer or a person connected with shipbuilding, to ask him what he thought of them, and one and all of those gentlemen, without a single exception, were decidedly against building them. He had met in coming down to the House this evening a distinguished admiral, who told him the excitement on the subject in the United Service Club was greater than could be imagined, and he added that, if the Committee could not be prevailed on to interfere, the aid of the Royal Humane Society should be called in to stop the building of vessels, to be sent to sea without masts and sails. First, then, he desired to raise the question whether it was expedient to build any more of that class of ships until the *Captain* and the *Monarch* had been tried; and, next, if that question were answered affirmatively, whether the proposed turret-ships were ships of the description which they ought to build? He maintained that it was highly inexpedient to build any more sea-going turret-ships until the *Captain* and the *Monarch* had been tried. He had obtained answers from naval officers to letters written by his private secretary last year as to the substitution of the turret-ships for two of the broadside-ships then proposed to be built. Those answers all came from most intelligent officers on active service, and whose opinions were most reliable, and they were almost unanimously opposed to the building of any more of those sea-going turret-ships until after the *Captain* and the *Monarch* had been tested. Captain Chamberlain and Captain Vansittart alone among them were of a contrary opinion, and even their opinion was expressed in a very qualified manner. Captain Chamberlain, although favourable to turret-ships, said—"Many years and much money may be spent in conquering difficulties and rendering them habitable or healthy;" and Captain Vansittart thought that—"However rigid a deck may be made over the turrets for the purpose of affording standing or working room, it will be found to fail"—from the effects of explosion, and without such a deck no turret-ship could be worked at sea. Captain Hood, of the *Excellent*—one of the first officers in the Navy—thought that for many reasons, which he specified, broadside sea-going ships were most decidedly to be preferred to turret-ships. Captain Foley, of the gunnery ship at Devonport, said—"It would be extreme folly to build more sea-going turret-ships until the *Captain* and the *Monarch* had been tried at sea." These, be it observed, are the opinions of the two officers in command of the gunnery ships, and whose views on the subject are therefore deserving of especial attention. Captain Willes was of the same opinion, and held it to be necessary that sea-going turret-ships should have poop, forecastle, and tripod masts, and he objected to the twin screw. He could, therefore, hardly understand how Captain Willes could be favourable to the right hon. Gentleman's proposal. Captain (now Admiral) Hall hoped that no pressure of irresponsible opinion would induce the Admiralty to order other sea-going turret-ships to be built till the *Captain* and the *Monarch* have been fairly and honestly tried; and he added that he was on board the famous Atlantic-crossing *Miantonomah* in steaming in a moderate breeze from Sheerness to the Nore, and even then she was obliged to be battened down. In the name of common sense of what use would be the steady platform, if the ports of the turret could not be opened in bad weather? Admiral Yelverton thought "the *Captain* and the *Monarch* ought to be fairly tested as sea-going ships before we venture on building other vessels of the sort." Admiral Warden was strongly in favour of the turret principle, but admitted that "no sea-going turrets had ever yet been built which would be suitable as cruizers, or perhaps be pronounced habitable." He thought these difficulties might be overcome; but he added—"It is quite open to doubt whether, at the present moment, it is wise to commence building more turret-ships when there are two so near completion." The view taken by some hon. Gentlemen engaged in shipbuilding might be different; but that was not a shipbuilder's but a sailor's question—namely, whether low freeboard turret-ships could fight the guns in a heavy sea and accommodate their crews as sea-going ships; and the great preponderance of opinion among naval men was that no turret-ship yet built was fit to be employed as a sea-going man-of-war. He was quite content to rest his case on the general objection to building any more sea-going turret-ships at present—that is to say, until the *Captain* and the *Monarch* had been tried. He now came to the objection to those particular ships, although it was hardly necessary to repeat them, as they had been so frequently stated. He held that it was unsafe to send a ship to sea without masts and sails as a ship which was to make long voyages. Most sailors would admit that; and he had not met one who did not urge the strongest objections to it. Those vessels were ill-adapted for coast defence from their great draught, and, on the other hand, they were wholly unfit for cruizers as depending solely on steam for their power of locomotion. If any accident were to happen to their machinery, and such accidents were of frequent occurrence, the consequences might be disastrous. He would refer on this subject to the Report of Admiral Warden on the last trial of the Channel Squadron. That gallant officer was strongly in favour of sea-going turret-ships, but in advocating them he laid down the conditions which they ought to fulfil, observing that—

> "These conditions carried out, it remains of course that the turret-ship should be so constructed that she should be a habitable and comfortable ship for officers and men, with a sufficiency of sail power to enable her to meet the various requirements which are usually made on British men-of-war."

He quite agreed with the gallant Admiral in thinking that sufficiency of sail power was indispensable. But, notwithstanding all the objections which he thought existed to the building of those ships if his right hon. Friend came down and said that there were special reasons of State which made it of the utmost importance that not a moment should be lost in building them, he should have no alternative in that case but to agree to what was proposed. But the figures before them showed no such ground for haste existed. The two larger ships to which he objected would cost nearly £600,000; and it was proposed to expend during the year only £62,000 of that amount, or little more than 10 per cent of the total cost. He ventured to say that if the commencement of those ships were postponed till that time next year and if the whole strength of the dockyard and all the money which the House would vote for them were then applied to their construction, they might be got ready for sea every whit as soon as if the small sum now asked for were spent on them in the course of the present year, and he thought that was an unanswerable reason for waiting till the *Captain* and the *Monarch* had been tried at sea. He sincerely hoped they would prove successful; and if so, nobody would be more happy than he would be to give every support to the construction of sea-going turret-ships. But until they had been tried, he thought the Committee would pursue a very unwise course in sanctioning the building of any more of that description of vessels. On those grounds he should beg to move that the Vote be reduced by the sum of £30,000.

Motion made, and Question proposed,

> "That a sum, not exceeding £1,056,004, be granted to Her Majesty, to defray the Salaries of the Officers and the Contingent Expenses of Her Majesty's Dockyards and Naval Yards at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March 1870."—(*Mr. Corry.*)

ADMIRAL ERSKINE said, that having listened, as a seaman, with great interest to the discussion between the late and the present First Lords of the Admiralty as to turret-ships, he was sorry he could not agree with his right hon. Friend on that side (Mr. Childers) that it was advisable for the Government of this country to continue experimental shipbuilding in our dockyards, at a time, too, when foreign nations were actually employed in trying those experiments at their own cost in the private building establishments of the country. He thought he was justified in speaking of it as a system of experimental shipbuilding, for the very fact of that discussion showed that many practical naval men, at all events, regarded it as experimental. He held in his hand the Reports of the officers to whom the right hon. Gentleman opposite (Mr. Corry) had alluded, and he would remark, as the right hon. Gentleman had done, that while there was a very singular diversity of opinion among them with respect to turret and broadside-ships, yet, with one or two exceptions, they were all exceedingly anxious that no more of those ships should be built until the *Captain* and the *Monarch* had been tried at sea. When he first had the honour of a seat in the House hon. Gentlemen opposite strongly urged the building of turret-ships instead of broadside - vessels, and it was fortunate the Admiralty of the day did not follow their advice, for the turret-ships then spoken of were of small size, and intended to carry 95-cwt guns, which would now be entirely useless. When, however, the hon. Gentlemen opposite came into Office they wisely determined not to follow the advice they had formerly given. After inviting tenders for competitive shipbuilding, they resolved on constructing broadside-vessels of the *Audacious* class; and with what, in his opinion, was a fatal mania with all Admiralty Boards they tried a number of experiments at the same time, and, in addition to building broadside-ships, introduced the principle of twin screws. It was quite certain that on some point there must be a failure, because, if the mode of mounting the ordnance in the *Monarch* and *Captain* were correct, that in the *Audacious* was wrong. Again, if the mode of propelling the *Monarch* and *Captain* were the right one, that of propelling the *Audacious* was the wrong one. The *Monarch* and the *Captain* might be right in one particular, and wrong in another; but they or the *Audacious* might be wrong in both particulars. Captain Willes, who had been referred to by the First Lord of the Admiralty, and who was one of the most intelligent officers in the Navy, had expressed his opinion that the turret system and the twin screw system were still merely experimental. In the *Penelope*, according to Captain Willes's statement, the twin screws would not turn the ship at all. He would not trouble the Committee with his own opinion as to single or twin screws, guns in turrets or on the broadside, or — to use a landsman's phrase — high or low freeboards; what he desired to point out was that the ships which were being built might be right in one particular; they would, in all probability, be wrong in another. With regard to the ships about to be laid down, they were to fulfil two new conditions. They were to have no masts nor yards, and were to be able to carry 25-ton guns, which, he believed, were not yet in readiness to be placed on board. Indeed, he had heard that the present 25-ton gun was insufficient to carry the charge which it was intended it should carry, and that changes in its construction were proposed. It had been said, by way of inducing the House to consent to the building of these vessels, that their construction would be spread over a period of two or three years, and that, consequently, a large sum for the construction of new ships would not appear annually in the Estimates. But this appeared to him to be a most objectionable part of the scheme, because in two years' time either the ships or the ordnance to be placed on board of them might be entirely obsolete. With regard to the guns, for example, he might mention that attempts were even now being made to adapt the Moncrieff carriage to marine guns, and if the attempt succeeded it was quite certain that the turret or cupola system would be wholly superseded. Then, as to the ships themselves, he might remark that a few months ago he saw, in the establishment of Messrs. Randolph and Elder, the eminent shipbuilders on the Clyde, the model of a vessel which it was confidently stated would shortly supersede all ships of the *Monitor* type. It was perfectly circular, was calculated to steam fifteen knots an hour, and could move about in all directions. She was to have an immense stowage for both coals and provisions, and she could carry a large crew, which might be increased at pleasure by the increase of a few feet in the diameter. Moreover, she was to be armed in the centre with a kind of fortress, which might be rendered nearly, if not entirely, impregnable. Mr. Elder's experience convinced him that the notion of such a vessel was no phantom of the imagination. We might derive great advantages from studying the experiments made by foreigners who were building vessels of different kinds in our private dockyards. The Government had hitherto not supplied sufficient details respecting such vessels, the Board of Trade having been content to give the aggregate number, their tonnage, and the ports at which they were building. But there was another consideration worthy of notice—whether such ships would ever reach their present destinations. Because if the nation for which they were destined were in the position of belligerents these vessels could not be allowed to leave our ports, and if we were at war with any nation we should not allow them to leave England. He had spoken of the probability of the failure of the ships which were proposed to be laid down, and if he were disposed to believe in the possibility of their success it would be from the high opinion he entertained of the abilities of the Controller of the Navy, who, he supposed, was mainly responsible for them. But there was one other contingency which he should dread even more than the failure of these experiments, and that was their success. It had been said that forty-six iron-clad ships would be necessary to enable us to keep our place, as a maritime power, with regard to other nations; but if we turned out the two most powerful ships in the world there would be no difficulty in the smallest country in the world copying their type and increasing its navy to the same extent, and then we should be under the necessity of entirely re-constructing our Navy for the third time in fifteen years; a re-construction, be it remembered, that would not be effected for a few hundred thousand pounds; but taking the cost of iron ships at the moderate rate of £300,000 a-piece, at an expense to the country of £12,000,000 or £13,000,000. He was one of those who had been returned to Parliament, pledged to give his support to a Government whose conduct was to be guided by principles of retrenchment and efficient economy, and he had consequently viewed with great satisfaction many of the reductions proposed by his right hon. Friend the First Lord of the Admiralty, believing that they will not impair in any degree the efficiency of the Navy, but that they will give increased energy to some of the departments affected by them. He believed, however, that the reduction of a ship here and the recall of a ship from another quarter, and the discharge of a number of Admiralty clerks whose services were no longer required, would be but as a drop to the ocean in proportion to the lavish expenditure in which the country would be plunged if we were to indulge in a system of experimental shipbuilding. We were the last nation in the world to indulge in experiments of this nature, and he trusted that his right hon. Friend would not drive him and those who thought with him on political subjects into the opposite Lobby, but would take such a course as to enable them to reconcile their duty and their inclinations by giving him that cordial support which they were anxious to afford to his administration.

MR. LAIRD said, that, as they knew, he had always advocated the adoption of turret-ships, and the discontinuance of broadside-ships, which had been proved to be comparatively inefficient. Great objection had been made at first to introducing turret-ships at all until the action between the *Monitor* and the *Merrimac* altered public opinion. The *Royal Sovereign* was cut down, and the country was led to believe that the Admiralty were going to introduce turret-ships. But when that vessel was completed, notwithstanding that the reports of her officers were most satisfactory, she was laid up in ordinary and not further used. Experiments of a costly character were afterwards made with the *Royal Sovereign's* turrets, and though the turrets got partially damaged, still the machinery and gear for working the turrets were not damaged at all. That got rid of one great objection. His right hon. Friend the Member for Tyrone (Mr. Corry) had referred to the trial to which the *Wyvern* and her sister vessel the *Scorpion* were subjected in 1865 in company with the Channel Fleet. But the trial was not a fair one. The requirements and recommendations made by the excellent officers in command of those two vessels were not attended to, and the *Wyvern* especially was, as the Admiralty ought to have known, not in a fit state to be subjected to such a trial, and in such heavy weather. The next step taken in reference to turret-ships was taken by his right hon. Friend the Member for Tyrone. His right hon. Friend selected six or seven firms to send in designs for turret and for broadside-ships, on the distinct understanding that the plan approved should be constructed by the party sending in the plan if the estimate was a reasonable one. One of the plans was approved, but it was decided that a broadside-ship should be build. From time to time, therefore, the question of turret-ships had been postponed, and on that account he was glad to hear the other evening that the First Lord of the Admiralty proposed the construction of turret-ships, and those, too, of a good character. From the description that he had received of these vessels, in a letter from Admiral Robinson, he believed that they would rank among the most powerful vessels afloat, and that they would be more heavily armoured than the vessels of any country, with the exception of Russia, while they would at the same time be thoroughly seaworthy. They were capable of carrying so much coal that they could be sent into the Channel or the Atlantic for a month together without taking any fresh supply on board, and if any vessel got alongside them in time of war, she could not escape without serious damage. The Russian vessels would have 2 feet 3 inches of freeboard, instead of 4 feet 6 inches, as in the proposed ships, while the turrets of the Russian vessels would not be nearly so high out of the water as those of the vessels it was now proposed to build. The *Captain* and the *Monarch* were vessels of a totally different character, for they were intended for sailing as well as steaming, and could not carry much above one-third of the quantity of coal. Supposing the *Captain* or *Monarch* were despatched to any place on an emergency, they would be obliged, before going half the distance the proposed ships can steam, to have a fresh supply of coal. The twin screw, such as that with which the Russian vessels were supplied, formed in his opinion an important element in ships of war. It had been said that the Dutch turret-ship could not pivot; but the captain of that vessel had written to him stating that, with the twin screws, the vessel, 73 metres in length, had been turned round repeatedly in a harbour only 90 metres broad. An experiment with a ship furnished with twin screws had been made in the Mersey. The helm was lashed amidships, and the vessel was brought up that crowded estuary by the double screw, without using the helm at all. Another vessel had, in the Paraguayan war, got her rudder damaged, but yet was able to go into action with the aid of her double screw. A vessel furnished with double screws could work with only one, which was an important matter supposing one screw should get disabled. An objection which had been urged was that a vessel would not steer if one screw were disabled; but there was a ship which went from Liverpool to the Red Sea with twin screws, and in her trials in the Mersey it was found that with the starboard screw not disconnected she made 7½ knots, and in a second experiment with one screw disconnected she made 9, which was only 2½ knots under her full speed, with both engines and screws at work. In his opinion the Admiralty was perfectly justified in adopting the twin screw for their large vessels, and he was sure the country would be glad to hear that they were going to build these powerful ships. He thought that Captain Coles was quite right in advising their being built without masts. In order to show the safety of vessels constructed upon the turret principle, he might state that he had known ships with a freeboard of only from 4 to 5 feet make voyages of 3,000 to 5,000 miles.

Admiral SEYMOUR said, he felt it his duty as a naval officer to express his entire disapproval of the design of these turret-vessels. He did not believe that they would be sea-going. He did not believe in a sea-going turret-ship with a freeboard of only 4½ feet. He had seen many seas running in which vessels heavily armoured and heavily laden as these would be could not live. He did not believe in sea-going turret-ships without masts, as it was by no means difficult to conceive both engines being disabled at the same time. A hot bearing in one engine and any trifling accident in the other would leave the ship like a half-tide rock and endanger the lives of those on board. He did not like the twin screws. They were very much higher in the water than the single screw, and the consequence was that when the vessel was pitching they would be repeatedly out of the water and not doing their work. As the *Monarch* and the *Captain* were now so near being finished, if we were to wait awhile we should be able to judge whether a freeboard of 14 feet or of 8 feet was the better, and if we found that the one of 8 feet was superior, then we might go down a little lower; but it was not safe to do so at present. He hoped the Committee would not allow the proposed vessels to be built. With respect to what had been said by his hon. Friend the Member for Northumberland (Mr. Liddell) that Sir Spencer Robinson was daily over-ruled about the repair of ships, and thus all responsibility was taken off his shoulders, he could state that so far as he recollected, during the two years he was at the Board they almost always gave way to that gallant officer, and even in some instances thought him rather a hard master.

Mr. SAMUDA said, he believed that if every Member of the Committee was polled separately, it would be found that they were all of opinion that at present we could not stand still and refrain from proceeding in any shape or way to recruit our Navy. His hon. and gallant Friend the Member for Stirlingshire (Admiral Erskine) urged them to avoid what he called "experimental ship-building;" but he would like to ask what had they taken in hand for the last eight years in the way of building ships of war that had not been experimental? In the discussions that had been carried on last Session he had pointed out that from the time we had commenced the re-construction of our fleet, we had tried no less than eight different classes of iron-clads in as many years. Therefore all we had to inquire just now was whether we were producing the best result with our present experience. He had been a staunch advocate of the turret system since its introduction, and since he had a seat in the House, he had endeavoured to convince others that the advantages of the turret system were so many that sooner or later we must adopt that system and give up building broadsides. In that view he had been opposed by many who held leading posts in the Admiralty, but he was happy to see that the Admiralty were now prepared to go a considerable way with him, and that the debates of last Session had convinced them that they would be wrong if they were to continue to build broadsides. He observed, too, that in classifying the fleet, which we had now and were about to build, the Admiralty confined the first class solely to those turret-ships which they were about to construct. It was much less satisfactory, however, to see that the very last type of production, against which he strove unsuccessfully last year, and pointed to as being both experimental and bad—namely, those of the *Audacious* class, carrying guns in overhanging sponsons—were placed as low down as the third grade, and yet the Admiralty would not be dissuaded from laying down six of these ships last year involving £1,500,000, and are now compelled, before one of them is afloat, to assign them the inferior position of a *third* class ship. He was quite prepared to give his adhesion to the proposal to build the turret-ships in question, because he believed that, even if any deficiencies should be discovered, those vessels possessed within themselves the means of correction. The great dread of naval men appeared to be with regard to the freeboard, but if the quantity of breastwork which formed an additional freeboard in parts was found insufficient, nothing would be easier than to add a poop and forecastle so arranged as to allow 150 out of 180 degrees arc of fire for the guns to work. With regard to the question of the screws, his experience was that the two screws were superior to the single screw when they required to depend upon the engines only. Two or three years ago he ventured to say that, considering the reliance this country was obliged to place on its Navy, it would not be secure until it possessed a fleet superior to the naval force of any two leading nations, if not to that possessed by the whole of Europe. At that time the number of guns in the English fleet was 522, while the French fleet had 770 guns. The case was now materially altered, for the English fleet had at the present moment a total of 582 guns, while the French fleet had only 311 guns. If the guns were of the same character as before, it might be said that the country could afford to rest contented for some time without building at all; but the fact was, that large guns were now substituted in the French Navy for the smaller guns which were formerly in use; and though this change in the French armament could not be ignored, yet the balance of strength was now with us. He thought that a great advantage had been gained in having obtained from the Admiralty an admission that their attention ought to be turned to the construction of turret-ships. Under all the circumstances he should support the Vote.

Captain EGERTON said, that in coming down to the House he went into the Admiralty, and looked at the drawings of the ships proposed to be built. He had supposed that they were to judge from their experience of the trials of the *Monarch* and *Captain*, but he had come to the conclusion that the comparison was totally useless. We might gain some sort of experience from the promised trials, but the question now was not between broadside and turret-ships, but between turret-ships with masts and turret-ships without masts; and, so far as the drawings of these vessels enabled to judge, he would say that no full-masted and full-rigged turret-ship could be so effective as a turret-ship without masts. He thought these ships had a good many faults—with regard to ventilation in particular—but he thought also they would be the most powerful naval machines ever sent afloat. He hoped their defects might be remedied, but if he had had any doubts as to the course proposed to be taken by the Admiralty, such doubts must have been almost entirely dissipated by the admirable speech delivered by the right hon. Gentleman at the head of the Admiralty.

Question put.

The Committee *divided*:—Ayes 46; Noes 122: Majority 76.

Original Question put, and *agreed to*.

House *resumed*.

Resolutions to be reported upon *Monday* next.

Committee to sit again upon *Monday* next.

ENDOWED SCHOOLS BILL.

SELECT COMMITTEE.

Mr. CRAWFORD said, he would beg to move that the Select Committee on the Endowed Schools Bill do consist of twenty-two Members, with the view of moving that Mr. Alderman Lawrence be added to the Committee, in order to secure the representation of the City of London more efficiently on it.

Mr. W. E. FORSTER said, he did not rise to object to the Motion. Certainly a Committee of twenty-one Members was a large Committee, and it was undesirable generally to increase it. The object of appointing the Committee was to secure that there should be a full consideration — first, of the general question; and, secondly, of the special interests concerned. He had hoped that in the Committee, as originally named, the very large interests of the City of London had been provided for; but, on understanding that this was not the case so much as he thought it had been, he could not object to the Motion of his hon. Friend to add his Colleague in the representation of the City.

Motion *agreed to*.

Select Committee on the Endowed Schools Bill to consist of Twenty-two Members:—Mr. Alderman Lawrence added to the Committee.

Mr. J. LOWTHER said, he would beg to move that the Committee do consist of twenty-three Members, with the view of adding the name of Mr. Collins. It was the general rule that the balance of parties on public Committees should be maintained, and that would not be the case with the Committee as now agreed to. Except by himself and another hon. Member, the North of England was not represented on the Committee, though in York and other cities, towns and districts of the North very valuable endowments existed. He agreed that it was very inconvenient that names should be added in this manner to Committees already large enough; but it would be hard if the Government assented to an additional Member from the Ministerial side, and refused a similar favour to the Opposition.

Mr. W. E. FORSTER said, he regretted that he must oppose the Motion. He had endeavoured to give as large a representation to the other side of the House as to his own. The hon. Gentleman had, however, forgotten that there were not only two sides of that House to be represented, but also special interests, which were not very favourable to the objects of the Bill. It was not to his interest, as the promoter of the Bill, to add Members to the Committee representing special interests, but five representatives of these interests had been appointed, three of whom represented large schools that objected to the Bill. Putting these three Gentlemen out of view, he believed that the Opposition had a majority, and it would be unreasonable, therefore, to add the proposed name to the Committee.

MR. COLLINS said, he was, of course, not going to vote upon the Motion, but with regard to the majority on the Committee, the right hon. Baronet the Member for Droitwich (Sir John Pakington) and the right hon. Gentleman the Member for North Staffordshire (Mr. Adderley) had on former occasions somewhat separated themselves from their party on the question of education.

MR. LOCKE said, he thought the Vice President of the Committee of Council (Mr. W. E. Forster) had brought this discussion upon himself, because he had left out of the Committee any representative for the City, where there was a larger number of schools affected by the Bill than in any other part of the country. Now, when he was compelled to have one such Member, he was obliged to choose one of Liberal politics. He did not suppose that he had acted in this way advisedly. But still he was not a man who did things by accident. It was true the Liberals had a majority upon the Committee, but the question was one which would not depend upon party matters. He thought the proposal of the hon. Member opposite (Mr. J. Lowther) was a reasonable one, and he should vote for it.

Motion made, and Question, "That the Select Committee do consist of Twenty-three Members,"—(*Mr. James Lowther,*)—put, and *negatived.*

Sir JOHN HAY discharged from attendance on the Committee; Lord ROBERT MONTAGU added to the Committee.

WISLEY COMMON.

MOTION FOR A SELECT COMMITTEE.

MR. KNATCHBULL-HUGESSEN said, he would beg to move that a Select Committee be appointed to consider the proposed enclosure of Wisley Common. The object was to ascertain whether there were any circumstances which should exempt this common from coming under the jurisdiction of the Inclosure Commissioners in the same way as commons ordinarily did?

MR. T. CHAMBERS said, he must oppose the Motion, because he objected to the consideration of the subject at all. On a former occasion this common had been specially exempted from an Inclosure Bill. The Metropolitan Board of Works, which in this matter represented the interests of London contended that, at all events for the present, the matter should stand over, as there was a growing feeling that within a reasonable distance of the metropolis existing open spaces should remain unenclosed. The state of things had materially changed since the Inclosure Commission was appointed, and it was now desirable in many cases to act on the opposite principle to that on which it had proceeded, and instead of inclosing to leave open spaces.

MR. BRUCE said, that the course taken on the present occasion was that ordinarily adopted whenever objection was made to include any particular common in a general Inclosure Bill. The fullest notice of inquiry had been given, and the Commissioners considered the enclosure necessary. If the circumstances required further investigation, they would receive it at the hands of the Select Committee. Rapid as the growth of the metropolis undoubtedly was, it was scarcely to be supposed that it would soon reach a district of nineteen miles from London, and where, moreover, there was at present more unenclosed than enclosed land. The Government were willing to enter into any reasonable agreement with regard to the constitution of the Committee, or to leave its appointment to the Committee of Selection.

MR. ALDERMAN W. LAWRENCE said, the forms of the Act had certainly been complied with, but it was a mistake to suppose that the public had received notice that Wisley Common was to be enclosed. The proposal had taken the inhabitants of Kingston and the adjacent district completely by surprise. He hoped the House would reject the proposal, and allow the parties to come forward again, if so inclined, and make out their case. The common was situated in a most beautiful part of the country; it would never be converted into agricultural land; but it was, no doubt, perfectly possible that a railway might be brought through it, and then it might be turned into building land. The House, he thought, should mark its sense of the impropriety of attempting to enclose commons unnecessarily.

Mr. GLADSTONE said, he thought too much credit could not be given to metropolitan Members for their zeal in endeavouring to secure for the metropolis the advantage of fresh air; but he was sure they would only wish to attain this end by just and fair means. A fixed and well-understood system had been established by law for the regulation of enclosures, and parties setting this machinery in motion were put to considerable expenses, in return for which Parliament incurred something like an obligation to see that the system established by its authority was not interfered with. It would be a sweeping proposition to lay down that no common within nineteen miles of the metropolis should be enclosed, yet it would be necessary to go that length to justify the course which was now recommended. If it were alleged that insufficient notice had been given, that defect would be cured by the reference to the Select Committee. But any change of system, or of policy by the House with regard to enclosures near the metropolis ought to be adopted prudently and carefully, and not avowed suddenly and with haste with reference to an isolated proposal. However strong the feelings of hon. Members might be, something was due to the general principles of justice.

Mr. KINNAIRD said, he wished to point out that the House was not suddenly expressing any new view as to enclosures near the metropolis. This was the third time that objection had been urged to the principle which they were now asked to adopt; and, in a Select Committee not very favourable to the preservation of open spaces, the proposition to restrict enclosures within twenty miles of the metropolis was defeated by a very small majority—he believed of only 1.

Mr. LOCKE said, he doubted the accuracy of the recollection of the Secretary of State for the Home Department as to the course taken in doubtful cases. He remembered several instances in which proposals for enclosures, instead of being referred to a Select Committee, were struck out of the Schedule without compunction. Petitions had been presented from all quarters against this Wisley Common proposition. It was clear that Wisley Common was a condemned place, and the House was asked to send the question of its enclosure before a Select Committee, which would have the effect of putting those who objected to its enclosure—not wishing to be suffocated in this metropolis—to considerable expense and trouble. The right hon. Gentleman the Leader of the House made a great mistake in asking them to leave the question in the hands of the Inclosure Commissioners, because that body could only inquire whether or not the Lord of the Manor, and other parties interested had agreed to the enclosure, while the rights of the public were never taken into consideration by it. This common had been omitted from the Schedule, and there the matter had better rest.

Mr. FAWCETT said, he hoped that the hon. Member for Marylebone (Mr. T. Chambers) would press his objection. They were getting into a habit of referring everything to a Committee. That was a very expensive proceeding, and ought not to be countenanced. The House itself was perfectly competent to say whether it was right that Wisley Common should not be enclosed. The method proposed to be adopted in the present case was a novelty, and he knew of cases where places had been dropped out of the Schedule, and no Committee subsequently appointed to consider them. When the Government informed those opposed to the enclosure of this common that it would be dropped out of the Schedule not a word was said about referring the question to a Select Committee.

Mr. KNATCHBULL-HUGESSEN said, he felt bound to state, in answer to the observations of the hon. Member who had last spoken, that when he had informed the deputation who waited upon him upon the subject of this common—not that the common would be dropped out of the Schedule—but that, understanding from them that a public opinion existed against its enclosure, he would postpone the Bill for some days, in order to give them an opportunity of making evident the existence of such public opinion; and, if they succeeded, he would take care that no enclosure should take place without an opportunity for full consideration subsequently; in answer to a Question in that House, he had stated that he had heard sufficient to induce him to leave Wisley Common out of the Schedule with a view to farther inquiry, and that he thought the House would probably prefer that such inquiry should be conducted before a Select Committee. From the evidence which he heard, he fancied there were proprietary rights which, in the absence of a public feeling on the subject, would justify the enclosure of the common. What had been said showed that further inquiry was necessary. If hon. Members objected to the present system of enclosure they should bring in a Bill to alter it; but after persons interested in an enclosure had performed all that was required of them in the Act of Parliament; and after he, as responsible for the Bill, had gone so far as to introduce what was called "a novelty," in order that no injustice to the public might possibly occur, it was hardly fair to step in at that stage of the proceedings and actually deny the inquiry which had been granted in order to satisfy those who now wished to refuse it.

Mr. Alderman LUSK said, he wanted to know how the poor people residing near Wisley Common were able to afford to come up to London and plead their cause against this enclosure before a Committee of the House of Commons. It was bitter irony to tell them to do so. He would appeal to the Government to give way, and let the ground be open to the people.

Mr. AYRTON said, it was the duty of the House to confirm the Report of the Inclosure Commissioners, unless a Select Committee over-ruled the Commissioners' decision. It was the usual practice of the House, when private rights of property were involved, to have an investigation of the matter by a Select Committee before the House decided upon it.

Mr. MORLEY said, he felt compelled to say there was a growing determination on the part of hon. Members of this House to prevent the enclosure of these commons, and if the original clause which was inserted in the Act of Parliament for the enclosure of Wisley Common had not been taken out by the Government itself, the House, he believed, would have struck it out. He held that, without further inquiry, it was perfectly competent for the House to say whether this common should be enclosed or not. He hoped his hon. and learned Friend the Member for Marylebone (Mr. T. Chambers) would persevere in his opposition to the Motion; and, if he did, he (Mr. Morley) should certainly feel it his duty to vote against the Government.

Motion made, and Question put, "That a Select Committee be appointed to consider the proposed Inclosure of Wisley Common."—(*Mr. Knatchbull-Hugessen.*)

The House *divided*:—Ayes 43; Noes 22: Majority 21.

And, on April 6, Committee *nominated* as follows:—Sir Francis Goldsmid, Mr. Frederick Stanley, Mr. Brown-Westhead, Mr. Goldney, and Mr. Fawcett:—Power to send for persons, papers, and records; Three to be the quorum.

House adjourned at half
after One o'clock, till
Monday next.

HOUSE OF LORDS,

Monday, 5th April, 1869.

MINUTES.]—Public Bills—*First Reading*—Tenure (Ireland)* (36); Mutiny*; Marine Mutiny*; Lord Napier's Salary* (37); Lands Clauses Consolidation Act Amendment* (38); Drainage and Improvement of Lands (Ireland) Supplemental* (39).

Second Reading—East India Irrigation and Canal Company* (31).

Committee—Governor General of India (16).

Report—Common Law Courts (Ireland)* (9).

GOVERNOR-GENERAL OF INDIA BILL.

(*The Duke of Argyll.*)

(No. 16.) COMMITTEE.

House in Committee (according to Order).

The Duke of ARGYLL said, he had to propose to their Lordships the insertion of an additional clause of some importance, to which he desired to call the attention of the noble Earl opposite (the Earl of Ellenborough). The Act of 1833 contained five or six clauses, providing that Europeans should not reside in India without the consent of the Governor-General in Council, and empowering him to issue regulations as to their residences and as to licenses, amounting, in fact, to a system of passports in that country. Now, the whole condition of the country had so much altered that these clauses were practically obsolete; but nevertheless they acted as a very inconvenient impediment on the action of the Government in India in dealing with vagrants, the number of whom had greatly increased since the introduction of railways, owing to the large bodies of navvies employed in their construction, and to other causes. The repeal of these clauses had consequently been contemplated; but on further consideration it was thought that, as prior to the Act of 1833 it was altogether illegal for Europeans to reside in India without the permission of the East India Company, such a step might have the effect of reviving enactments still more obsolete. He had therefore come to the conclusion that it would be better to add a clause to the present Bill enabling the Legislature of India to deal with vagrancy notwithstanding those clauses; any Act on the subject being subject, of course, to the approval of the Secretary of State in Council. This would avoid all difficulty, and one or two of the clauses were valuable, as laying down the principle that Europeans insulting or injuring the religion or customs of the natives should be subject to penalties.

THE EARL OF ELLENBOROUGH thought the noble Duke would do well to communicate with the Horse Guards on the subject, his impression being that many of the vagrants were discharged soldiers.

Further Amendments made; The Report thereof to be received on *Thursday* next.

CHINA—MISSIONARIES AND GUNBOATS IN FORMOSA.—QUESTION.

THE DUKE OF SOMERSET, on rising to put the Question of which he had given notice, said, he would take that opportunity of reading to their Lordships an extract of a statement from the directors of the London Missionary Society—a body to which he was exceedingly anxious to do justice—to the effect that they had nothing to do with the Inland China Mission at Yang-chow, and were in no way responsible for its proceedings. The Inland China mission was an entirely distinct society, differing in many ways from their own views and practices, since the missionaries of the London Mission Society resided in treaty ports, or at Pekin or Hong Kong, and, with scarcely any exception, had had no occasion during the past twenty years to apply to any British consul for personal protection. They added that they were always anxious, whenever practicable, to co-operate with the English Government. He was glad to exonerate the London Missionary Society from being mixed up in these proceedings, for that body was well acquainted with China, and he was also glad to find that they were sensible of the imprudence of sending missionaries to ramble through the country, instead of confining them to treaty ports and to Pekin or Hong Kong, for it was the passing beyond these places which had caused difficulties and had brought our religion into hostility with the people of China. He now wished to know whether the Foreign Office or the Admiralty could furnish any information as to proceedings of Missionaries and Gunboats in Formosa? Having understood a short time ago that no hostile operations were to be undertaken by British consuls or officers without first communicating with the representative of Her Majesty's Government at Pekin, he had heard with surprise that operations not thus authorized had taken place in Formosa. Missionaries having gone there, the people, being very violent and fanatical, rose against them and drove them back—whether with any loss of life he could not say—and next attacked, as they were very apt to do, all the foreign residents. Then came the inevitable gunboat—for, as he remarked on a previous occasion, gunboats were always called in where the missionaries had made these unfortunate inroads on the feelings of the people—and ten or twelve natives were killed. Now, was this the way to promote Christianity in China? It was surely right that the attention of the public should be called to the subject, in order that, if such proceedings could not be otherwise prevented, they might stop the supplies, without which these missionaries would not carry on their operations.

THE EARL OF CLARENDON said, he believed that all the information in the possession of the Foreign Office for which the noble Duke asked had already been laid on the table, being comprised between pages twenty-two and fifty-six of the China Papers. From these Papers they would gather that the affair at Formosa originated in the destruction of a mission-house, and that there were also some commercial disputes, an attack upon a British subject, Mr. Pickering, and one or two other matters for which redress was sought. He was afraid that the Foreign Office could not furnish a connected narrative of what had passed; but the Admiralty had received an account from the acting consul and from the commander of the gunboat, which had enabled the Government to form a judgment on the proceedings. He was sorry to say that that judgment was unfavourable to both the officers concerned —except, indeed, as to the professional part of Lieutenant Colonel Gordon's duty, for the operations conducted by him exhibited great judgment and forethought, while the skill and gallantry with which they were carried out entitled all concerned to the highest praise. But the fact was that the operations ought not to have been undertaken at all, for all danger to life and property had passed away several weeks before, and the only question left was that of reparation. This should have been ascertained, and then if any remissness had been shown by the authorities in giving redress it would have been a matter for communication between Her Majesty's representative at Pekin and the Chinese Government, and was not to be made a subject of reprisal and violent action by two subordinate officers. The Government wholly disapproved the exaction of a considerable sum of money—$40,000 —as compensation for the outrage and still less of two sums of $5,000 each— one for the military stores used in storming the Chinese fortress and the other by way of reprisal—and they had directed that the money should be returned, with an expression of regret for what had occurred. The conduct of the vice consul also appeared to them highly reprehensible, and directions had been given that he should no longer act in that capacity. He hoped this step would have a salutary effect on the whole consular body, and that they would understand that they would incur the severest condemnation if they wantonly undertook military operations without the sanction of the Government, or without absolute necessity. He was glad that his noble Friend (the Duke of Somerset) had done justice to the London Missionary Society, for since the previous discussions on the subject he had received a numerous deputation from that most respectable body, who feared that his noble Friend had placed upon them the blame of what had occurred, and who, therefore, placed in his hands the statement to which his noble Friend had referred. He wished also to refer to a dispatch that had lately been received from Sir Rutherford Alcock, because he thought that the public should know the result of his great experience in China, and of the labour and the study that he had bestowed upon missionary questions. He said that the hostility to missionaries was general throughout China, and that it did not come from religious intolerance, but was partly personal and partly political. He considered that they had an enmity against the very name of Christianity; and they disliked it on account of the support that had been given to the rebellion; and also from a spirit engendered by the French missionaries, who taught their converts to rely upon no authority but their own, and to despise the native authorities. There were also great differences between the Protestant and Roman Catholic missionaries, of which Sir Rutherford Alcock gave some very unseemly instances. There was, further, a great fear all over China that the missionaries would so exercise their influence as to interfere with the local authorities, and these officers, therefore, induced the literati and gentry to encourage and institute acts of oppression against the missionaries. Sir Rutherford Alcock truly observed that, unless we intended to carry on the work of proselytizing by the sword, it was absolutely necessary that the missionaries should not establish themselves at places where they could not have constant communication with their countrymen. It would be absolutely impossible to protect the Chinese converts except by naval and military forces; and Sir Rutherford Alcock added that if ever Christianity was to become general in China it would be through the upper classes, and not in spite of them, and therefore it was most material that missionaries should confine themselves to the treaty ports and carry on their labours with great judgment and caution. Quite recently a most offensive placard against the Roman Catholic religion had appeared on the walls of Shanghai, and Sir Rutherford Alcock doubted whether any prospect of success which the missionaries were entitled to entertain would compensate the dangers they incurred in disregarding not only the laws of the country and the prejudices of the people, but the advice of their own Government. While all must admire the undaunted courage with which, in the spirit of martyrs, the missionaries laboured for the spread of religious truth, he hoped their zeal would not altogether exclude discretion, and that when once they became thoroughly convinced of the dangers to which they exposed themselves, of the risk they ran of producing riot and bloodshed and of embarking this country in war—when convinced, too, above all, that they were not in the path leading to success even in their own calling, both they and the societies which sent them forth from this country would see that the system hitherto pursued must be abandoned. He trusted that the stringent instructions which he had sent out and the good sense of the missionaries themselves would bring about a better state of things; and for this no moment could be more favourable than the present, for he had received a telegram from Sir Rutherford Alcock, informing him that order was restored in all quarters, that the instructions recently sent out had been communicated to the Prince of Kung, that the best understanding existed between the Prince and the Foreign Ministers, that there was no more cause for anxiety in any point, and that our relations with China had never been more satisfactory.

THE EARL OF SHAFTESBURY sincerely hoped the missionaries would take the excellent advice given by the noble Earl, and of this he had not the slightest doubt, for all the great societies were acting with great moderation, judgment, and care. He believed, however, that in the case of Formosa the missionaries were not concerned. There was a Presbyterian congregation there; but it had not been the action of the missionaries which had led to the disturbances, except that they had been instrumental in making converts. The attack was made on the converts, and they being entitled to certain rights under the treaty, redress was sought on their behalf, the missionaries having nothing to do with it.

MARRIAGE LAW COMMISSION REPORT.

OBSERVATIONS. QUESTION.

LORD CHELMSFORD rose to call the attention of the House to the Report of the Marriage Law Commission, and to ask Her Majesty's Government whether they intended to introduce any measure founded on that Report? The Commission was appointed in March 1865, on account of the great difficulties that had arisen from the difference of the Law of Marriage in the different parts of the United Kingdom. This difference occasioned great embarrassment in our courts of justice, frequent conflict of opinion, and rendered uncertain the status of individuals, from the uncertainty whether a valid marriage had been contracted on one side or the other of an artificial line. This difficulty had been illustrated in a most striking manner in a late celebrated case before both the Irish and the Scotch Courts—in the one case from the peculiarities of the Scotch Law of Marriage, and in the other from the statute law relating to mixed marriages in Ireland. The controversies arising out of that case rendered desirable an inquiry into the possibility of bringing the marriage laws throughout the three kingdoms into closer conformity, and the Commissioners were accordingly directed to inquire into and report on the state and operation of the various laws in force in the different parts of the United Kingdom with respect to the constitution and proof of the contract of marriage, and the registration and other means of preserving evidence thereof. He himself had the honour of presiding on that Commission over persons than whom none could have been better qualified to investigate the subject; for England was represented by the noble and learned Lord on the Woolsack (Lord Hatherley), the late Lord Chancellor (Lord Cairns), Lord Lyveden, Mr. Walpole, Sir James Wilde, Sir Roundell Palmer, and Sir Travers Twiss; Ireland, by the present Lord Chancellor, Mr. Monsell, and Lord Mayo; and Scotland, by the Lord Justice General, the present Solicitor General, and Mr. Dunlop. Their first step was to direct the preparation of a succinct summary of the marriage law in different parts of the country, and at the request of his fellow-Commissioners he issued a Circular asking for information and suggestions. A copy of this was sent to all the Archbishops and Bishops, Protestant and Roman Catholic, to the Moderators of the Established Church, Free Church, and United Presbyterians in Scotland, to various deans, archdeacons, and other clergymen, to Roman Catholic clergymen in Ireland, to ministers and members of Dissenting bodies, including the President and Vice President of the Wesleyan Conference, and to many registrars of marriages in England. This Circular elicited valuable information; and witnesses from all parts of the country were also examined. The inquiry extended over three years, and this was not attributable to any want of diligence, the reason being that some of the Commissioners had judicial and other duties to discharge in Ireland and Scotland, which rendered it difficult to fix the meetings to suit their convenience. If, however, any of them were absent they informed themselves of the evidence which was taken, and the result was that the Report was signed by all the Commissioners except Lord Mayo, who, having been prevented by his duties as Irish Secretary from attending the later meetings, did not think himself justified in affixing his signature. The Lord Chancellor of Ireland and Mr. Monsell signed it, with the reservation that they dissented from the recommendations as to divorce, believing the marriage tie to be indissoluble, and divorce *à vinculo* to be contrary to the law of God; while the Lord Justice General took exception to every part of the Report involving a change in the principle of the Scotch law, holding that present consent to be husband and wife deliberately interchanged between a man and a woman labouring under no incapacity to contract, makes marriage between them, without the necessity either of a religious ceremony or of a compliance with any statutory forms or solemnities. The recommendations of the Commissioners he believed to be highly beneficial; but he would not now enter into them, since he was not asking their Lordships to adopt them. His only anxiety was that the expectations of the public should not be disappointed by no action being taken on the Report, and it being peculiarly a task for the Government he should be glad to see it undertaken by his noble and learned Friend on the Woolsack, for no man was better qualified to undertake a work of the kind.

The Lord CHANCELLOR said, that his noble and learned Friend (Lord Chelmsford) had most truly stated that the subject was one of deep importance, and he felt grateful to him for having originally suggested that there should be a Commission, the result of which was a Report which informed Parliament and the public generally of the anomalous state of the law with reference to marriage, and the necessity of some remedy. When his noble and learned Friend asked whether it was the intention of the Government to introduce any measure he assumed that he meant during the present Session. He must say briefly why it had been impossible for him to undertake a duty of that description. When he was first called upon to occupy the position he had now the honour to hold, he certainly had but a short time in which to prepare any measure of law reform of any general importance—though many subjects presented themselves to his attention, on three of which he had sat upon Commissions. One was the matter that was now brought to their Lordships' attention, another the patent law, and the third our system of judicature. All of these subjects were of considerable importance, and as to the last of them the Report had only been made during the past week, and recommended an entire review and re-organization of our whole judicial procedure. The Patent Commission had reported long since, but no proceeding had been taken upon it, no doubt in consequence of the difficulty of the subject. Besides these three subjects there were two others of importance —those of Bankruptcy and the Law of Charitable Trusts. He undertook the duties of his Office in December last, a period of four months ago. For the first three months he was occupied in the Court of Chancery, and sitting judicially in their Lordships' House, and he thought it would have been an improper assumption of vigour on his part if he had attempted to grapple with the five subjects during the single month that was left to him. He therefore selected one of them, and bankruptcy naturally suggested itself to his mind because the subject had been frequently before Parliament, the defects in the existing law were universally admitted, and the whole mercantile community was anxious to have the law of debtor and creditor put upon a satisfactory footing. He had further the advantage of considering the three different Bills that had been brought before Parliament upon the subject—all prepared with the greatest care and deliberation—and the various Reports that had been made. He also had interviews with various deputations from mercantile bodies, and in this way he had been able to frame a measure which originally he intended to submit to their Lordships for consideration; but some of the deputations were extremely anxious that the measure should be introduced first into the other House. He thought there would be a general concurrence of opinion that such a measure should be introduced into the other House rather than in their Lordships' House. For his own part he readily acceded to that view, and the measure had accordingly been introduced "elsewhere," and would, he hoped, in due time, be presented for their Lordships' approbation. The Law of Marriage was a subject of the deepest interest to the whole community. After three years' consideration a Report had been agreed upon by the members of the Commission with one exception, but that exception was the Lord Justice General of Scotland. The subject, however, was one which affected every family in the kingdom, and sufficient time had certainly not been given to the public to weigh the consequences which might result from the alterations recommended by the Commissioners; and though to proceed with immediate legislation upon it might present the appearance of vigour and alacrity, still their might possibly succeed a charge of hastiness and inconsideration. With regard to charitable trusts, he hoped, at a later period of the Session, to call attention to the subject, for none required more careful consideration; but he should be sorry to propose legislation upon it at a time when there was no probability of its securing sufficient attention. A measure which equalled, if it did not exceed, in importance any measure which had been submitted to Parliament for many years past was now pending in the other House; and considering the time which its consideration must necessarily occupy, it would be unadvisable to introdcce any measure involving changes in the law on subjects of great importance and difficulty. There was, moreover, considerable doubt whether, in one portion of the country at least, the recommendations of the Marriage Law Commissioners would meet with general acquiescence, and, judging from the publications expressly interested in legal objects, he doubted whether the Report had been so maturely weighed by the public as to warrant the expectation of such a general concurrence of opinion as would be necessary for legislation affecting the domestic relations of the community. He trusted that, under these circumstances, their Lordships would be of opnion that he had come to a wise conclusion.

TENURE (IRELAND) BILL [H.L.]

A Bill to simplify the Law of Tenure in Ireland—Was *presented* by The Lord SOMERHILL; read 1ª. (No. 36.)

House adjourned at Six o'clock,
till To-morrow, a quarter
before Five o'clock.

HOUSE OF COMMONS,

Monday, 5th April, 1869.

MINUTES.]—NEW MEMBERS SWORN—Colonel Edward Clive, *for* Hereford City; Chandos Wren Hoskyns, esq., *for* Hereford City.

SELECT COMMITTEE—General Valuation, &c. (Ireland), Viscount Crichton *added.*

SUPPLY—*considered in Committee*—NAVY ESTIMATES.

Resolutions [April 2] *reported*—NAVY ESTIMATES.

PUBLIC BILLS—*Second Reading*—Bankruptcy [50]; Imprisonment for Debt [61]; Railway Companies' Meetings * [62].

Committee—Court of Common Pleas (County Palatine of Lancaster) [26]—R.P.

POST OFFICE—COMMUNICATION WITH AUSTRALIA.—QUESTION.

MR. YOUNG said, he wished to ask the Under Secretary of State for the Colonies, Whether any Correspondence has taken place between the Australian Government and the Home Government on the subject of a Fortnightly Postal Communication, subsequent to the Correspondence included in the Parliamentary Paper of 24th July 1868, and, if so, whether he has any objection to lay the same upon the Table of the House?

MR. MONSELL said, in reply, that there had been a good deal of correspondence as to postal communication with the Australian colonies subsequent to that included in the Parliamentary Paper to which the hon. Member referred, arising chiefly out of the postal conference held in Melbourne. There were no public despatches specially on the subject of a fortnightly postal communication, but there would be no objection to produce the correspondence if the hon. Gentleman chose to move for them. He might add that the colonial newspapers showed that great interest existed throughout Australia on this subject, and that all the colonies were anxious for a fortnightly postal communication.

COPYHOLD, INCLOSURE, AND CHARITY COMMISSIONS.—QUESTION.

Mr. GOLDNEY said, he wished to ask the Secretary to the Treasury, Whether any and what arrangements have been made to carry into effect the Resolution of the House—

> "That the expenses of the Copyhold, Inclosure, and Tithe Commission, Inclosure and Drainage Acts, and the expenses of the Charity Commission, ought not to be borne by the public?"

The CHANCELLOR of the EXCHEQUER: I have to inform the hon. Member and the House that the Inclosure Commissioners have made provision by fees in their office for raising £17,000 towards their expenditure, which is a little more than £20,000. I hope this arrangement will prove a satisfactory one. I am sorry to say that I cannot give as favourable an account with regard to the Charity Commission. Wishing to carry out the Resolution of the House, I put myself into communication with that body and begged them to consider any means which might occur to them for providing the sum required to defray their expenditure, but after a good deal of consideration they reported that they did not see how by fees in their office they could raise much more than £1,000 a year, and from what I know of the Commission I believe that statement is true, because the proceedings in the office are of a very informal nature, and it is difficult to require that stamps should be used for the purposes of revenue. The result is that the only way in which the Charity Commission can be made to pay its expenses is by subjecting charities to an income tax. Now, I have found myself in considerable difficulty on this point, because, although the House resolved that the Charity Commission should pay its own expenses, yet the House was not aware that the income tax on charities; and I believe only way of doing so is by putting an that a Resolution was passed by this House on a former occasion, negativing such a tax. [Mr. Gladstone: There was no Resolution.] At all events, there was a debate on the subject, and the House did not seem to look very favourably on a tax of this nature. As far as I am concerned, I should be glad to see an income tax imposed on charities. But it appeared to me that my duty was not to take any action at all until the pleasure of the House was more distinctly known. If it be the opinion of the House that such a tax should be imposed, I shall give my hearty assent to it. In the meanwhile I shall propose the Estimate as it stands, and the House can do whatever it thinks right in the matter.

BANKRUPTCY BILL.—[Bill 50.]

(*Mr. Attorney General, Mr. Solicitor General.*)

SECOND READING.

Order for Second Reading read.

Mr. NORWOOD said, that the Bill had only been delivered to Members on Thursday, and there had consequently not been time to ascertain the feeling of the country either respecting it or the other measure (Imprisonment for Debt Bill) which must be considered with it. He would therefore suggest that, in order to afford the Attorney General every possible facility for carrying the measure forward, the Bills should now be read a second time, but that the discussion should be postponed until the Motion for going into Committee.

The ATTORNEY GENERAL: I have no objection to such a course being pursued.

Mr. JESSEL said, he did not propose to go into the details of the Bill now. They were better reserved for discussion in Committee, but there were one or two observations which it might not be deemed presumptuous in him to make with regard to the general principles of bankruptcy law. There was no law in the world affecting civilized communities which was much older than the Law of Insolvency; and, therefore, in discussing this question, they had the benefit of a more extended experience than it was possible to obtain on any other subject of commercial law. The principles established were few in number, and of general application. Everyone must admit that the chief object to be secured when a man failed to pay his debts was to obtain as soon as possible an arrangement between him and his creditors. He spoke, of course, of an honest debtor, leaving dishonest debtors to be dealt with by the criminal code. In the case of an honest debtor it was established by what might be called universal legislation that such an arrangement was the first thing to be secured, and that it should be limited simply by the will of the contracting parties. When talking of an arrangement of this nature they must remember that it was impossible on any occasion to get entire agreement between large numbers of persons. Therefore the legislation of almost all countries had given a right to the majority of creditors to bind the remainder. The Roman law had formed the basis of the legislation of almost the whole of the civilized world, and only in a sense was it true that our Common Law was not based on the Roman law, for we had used the Roman law as the Turks used the remains of the splendid temples of antiquity. We had pulled out the stones and used them in constructing buildings which we called our own. On this subject our laws began with the Roman legislation more or less corrupted, and adopted as something entirely new. The main object of bankruptcy legislation in almost every continental nation was to bring the creditors to an arrangement by enabling a majority to decide; the requisite majority being, in most States, a majority in number and three-fourths in value. The smallest majority required was in the State of New York, where two-thirds were required. On this point English legislation had been far from uniform. The old law did not enable creditors to make arrangements, but it empowered them to give a creditor his discharge; and that power was limited to a majority of at least four-fifths in value. This amount of four-fifths was subsequently altered to three-fifths in value, and a provision was adopted giving power to the creditors to stop commenced proceedings in bankruptcy and to turn them into arrangements. That was then thought a terrible innovation, and therefore it was required that the assents should be nine-tenths in value. The amount was afterwards changed to six-sevenths, and again to three-fourths, and he saw no reason for the provision in the present Bill altering the figure to five-sixths. He thought it ought to be the guiding principle of legislation on this subject that the majority of creditors should be perfectly free to make any contract they pleased with the creditor. Such was the law on the Continent, where they might agree either to a composition or to give the creditor time, or do both, granting him a complete or only a limited release from his debts, and leaving the whole or a portion of his after-acquired property liable to pay the rest. When once this principle was adopted, precautions must be taken to secure a genuine majority of creditors, by preventing persons not really creditors from voting in that capacity, and also by preventing real creditors from voting in respect of a larger debt than was due to them. One great reason, he believed, why the Bankruptcy Law of 1861 failed to give satisfaction was that there were in it no adequate means for preventing this. It was another defect in the law that the debtor himself was allowed to make the arrangement. The deed was drawn up by his solicitor and then proposed to the creditors. This was the reverse of the practice in foreign countries, and anyone acquainted with the law of contracts could not be blind to the enormous difference in the results produced by the two systems. It was important that the principle should be adhered to that the creditors should propose the arrangement to the debtor; and to secure the object of excluding all but genuine creditors he would have all persons prove their debts in the same way as in bankruptcy. Such was the practice in France and, so far as he knew, in every other State of the Continent. Having ascertained who the creditors were, the next step would be to ascertain their wishes. At present, a solicitor took up a case for the petitioning creditors; and sent round to the other creditors a letter authorizing him to prove for them, and enclosing a proxy to vote for the choice of assignees. The creditors, to save themselves trouble, signed both, and the result was that the assignee was chosen not by the creditors generally, but by one, or perhaps two, solicitors who had obtained the largest number of nominations. This could not occur if there was a general sitting of creditors to discuss not only who was to be the assignee, but whether there was any possibility of coming to an arrangement with the debtor in order to avoid bankruptcy. Then, another danger to be guarded against was the possibility of any creditors assenting to unfair arrangements as regarded others, by being paid in some way or other to give their assents. This practice had never been made penal in this country, though in every foreign code it was a fraud which was criminally punishable. Not being aware that this country was entitled to consider itself superior in morality to other nations, he did not think that on this point there should be an exemption from the terrors of the criminal law, which alone were sufficient to prevent fraudulent practices of this nature. Having secured these objects, he would give the creditors the fullest power to make arrangements before bankruptcy proceedings commenced, or at any other time before they were finally closed. Their arrangements should be altogether independent, if they thought fit, of the transfer of property by the debtor, and of his freedom or non-freedom from liability as regarded his future-acquired property. Now, without wishing to speak disrespectfully of the framers of this Bill, he must say, looking at the 75th clause, which was the only clause in the Bill relating to this point, it was extremely imperfect. It seemed to be confined to the disposition of property and to liquidations similar to bankruptcy. It ought to extend to stopping the bankruptcy proceedings at any time the creditors thought fit, a power possessed, with certain limitations, under the present law. Passing from that which was the first principle in bankruptcy — namely, that of arrangement, they came to the case where, for reasons that occurred now and then, it was not possible to make any arrangement with creditors. They had here only two principles to look to—first, to secure that the property of the debtor was fairly divided among his creditors; and, second, to protect the debtor in his endeavours to re-instate himself in the community, and obtain future property with the view of satisfying his creditors. He must respectfully dissent from the proposition now made to relieve the bankrupt's future-acquired property when he paid 10*s.* in the pound. He thought the future-acquired property of the debtor should be liable until he had fully paid his debts. That appeared to him not only sound morality, but also prudent legislation. He could not conceive any state of society more discreditable or more distressing than that in which they might see a man who had been bankrupt three or four times, a daring and unscrupulous speculator, riding in his carriage, while his unfortunate creditors were ruined. It was sometimes said if a bankrupt were to be always liable for his debts until they were discharged, he would not exert himself—as it was for the interest of society he should—to acquire future property. But, looking to experience, that objection was without foundation. The Roman legislation—the law of *cessio bonorum*—contained in the Digest, did not allow the debtor to free his future-acquired property from his debts, but simply protected him from being cast into prison. That law had prevailed for thirteen centuries over the whole civilized world; and under that law debtors did exert themselves and acquired property. The decay of the Roman Empire was followed by the rise of the great commercial cities of Italy, and at a later period of the North of Germany and Holland; and in every case they adopted the Roman law. And, as had been shown by Mr. Burge in his third volume on *Foreign Law*, and by Professor Leone Levi, in his great work on *Commercial Law*, that principle was carried out by Louis XIV. in France, and by other European States. When a debtor had made *cessio bonorum*, his creditors could no longer proceed against him for any debt incurred before the bankruptcy; but the curators, or, as they were called here assignees in bankruptcy, were entitled at any future time to bring him before the commercial tribunal, and compel him to give an account of his affairs; and if the state of his affairs warranted it, the tribunal made an order, by which he should pay a portion or the whole of his debts. That law prevailed in every civilized community except our own, and he could not conceive on what principle our law formed an exception. Whenever he found that the English law differed in some point from what he called the universal law of other nations, he was tempted to believe that the difference had arisen from accident; and so he found in the present instance. The first statute of bankruptcy was the 34 & 35 of *Henry* VIII., c. 4, passed in 1542, which not only contained no discharge of the future-acquired property of the debtor, but the 6th section expressly enacted that if the creditors were not satisfied by the means provided by the Act they should have the same remedy for the recovery of the residue of their debts as before the passing of the Act. The next statute of bankruptcy was the 13 *Elizabeth*, c. 7. That did not contain any discharge. The 10th section was almost *verbatim* with the 6th section of the Act of Henry VIII. The statutes of James did not alter the law in this respect; so that from the passing of the Act of Henry VIII. till 1705 there were no means by which a bankrupt could relieve his future-acquired property from the claims of his creditors. Up to that period English law was in exact accordance with that of the rest of the civilized world. The 4 & 5 *Anne*, c. 17, for the first time, introduced what was called a certificate of conformity, by which a bankrupt conforming to the law was allowed 5 per cent of his property, and was discharged from all further liability for debt theretofore contracted. That met with universal disapproval, and the next year the amendment was introduced that no certificate of conformity should avail a bankrupt, unless it was assented to by four-fifths in value of his creditors, nearly the same proportion as required in other countries. The law was slightly modified by the well-known Act of Geo. II., but remained substantially unaltered, until the 122nd section of the Consolidation Act of 6 Geo. IV. which provided that the certificate should be signed by four-fifths in value of the creditors, unless an interval of six months had elapsed, and then by three-fifths. Up to the time of the passing of the 5 & 6 *Vict.*, c. 112, no man's future-acquired property was freed from liability for his past debts without the consent of his creditors; but it was then suggested that creditors sometimes withheld their consent vexatiously or from some improper motive, and instead of providing for that, as other countries had done, by preventing the creditors taking the law into their own hands and harassing the debtor, the Act of 1842 gave the Judge the power, or rather enforced on the Judge the duty, of discharging a bankrupt's future property from the payment of his debts, if the bankrupt was not fraudulent and had conformed. When the great Consolidation Act of 1849 was passed, an attempt was made to classify certificates, but the classification was abolished by the Act of 1861, and neither of those Acts made any alteration in the power of the Judge to relieve the future-acquired power of the debtor from liability for his debts without the consent of his creditors. Since 1842 it had been possible for a man to speculate at other people's expense. He might speculate rashly four or five times and lose the property of his creditors, but if he happened to succeed the sixth time, and to make £500,000, he might laugh at his former creditors, who might be starving. That state of things was, he thought, a disgrace to our system of legislation. They ought not to neglect the experience of the whole world. He believed a man would not work less hard because he knew he was working for an honest purpose, and with a view of paying his creditors who had just demands upon him; and he thought that the only way to make people less reckless in their expenditure and more honest in their dealings was to compel a man to pay his creditors when he was fairly able to do so. He therefore hoped that when the Bill went into Committee the law in this respect would be made consistent with the principle and practice of every civilized nation. Upon another point our law stood alone. It was right to divide the property of the bankrupt among the creditors, but it was not right to divide the property of other people among them. The doctrine of reputed ownership arose from an accident. The original notion was that if a man put property into the hands of another in order that he might represent that property to be his own and obtain credit upon the strength of possessing it, the creditors had the right to take those goods. That was the Roman law, and the law of every civilized country. But how did it happen that this country had allowed the bankrupt's creditors to take other people's goods? Merely from a slip in framing an Act of Parliament. The doctrine of reputed ownership was that whenever any goods were allowed to be left in the possession or disposal of a man with the consent of the true owner, and that possession remain undisturbed until an act of bankruptcy was committed, the assignees were to take the goods and divide them among the creditors; and although the person to whom they belonged left them with the bankrupt, in perfect good faith, and although the creditors did not know at the time of their dealings with the debtor that those goods were in his possession, yet the owner was deprived of them for the benefit of those who had no moral claim nor any legal claim, except under the bankruptcy law. The law was so inconsistent that though that was the practice in bankruptcy, the creditor could not take the goods in execution even though he had lent on the faith of such goods being the property of the debtor. The mistake arose in this way. The statute 21 *James* I., c. 19, contained this clause—

> "And for that it often falls out that many persons, before they have become bankrupt, do convey their goods to other men upon good consideration, yet still do keep the same, or are reputed the owners thereof, or dispose of the same as their own, be it enacted, that if at any time in future a man shall become bankrupt, and shall at such time be the true owner and in possession of any goods or chattels, and shall be the reputed owners of them and take upon themselves to sell them, the Commissioners shall have power to sell the same for the benefit of all the creditors."

The persons who framed that Act intended to prevent fraud arising from the practice of reputed ownership, when persons about to become bankrupt conveyed their goods to others upon good consideration and yet were the reputed owners thereof. For many years this clause was construed, in accordance with its Preamble, to apply only to such cases. In 1708, however, it was expressly decided by the Court of Queen's Bench that according to the interpretation of the clause it was to be thus restricted. That was doubted by Lord Chancellor Cowper; but it continued to be the law, and in 1750 Lord Hardwicke decided that it was the law, and things remained as they were till 1774, when Lord Mansfield, in the Court of Queen's Bench, reversed the law. He had no fault to find with the logic of the Judges, except that it seemed to be logic run mad. They declared that what was supposed to have been the meaning of the section could not be so, because of the prohibition contained in the statute of Elizabeth against fraudulent debtors, of which they could not suppose the framer of the section to have been ignorant. To give effect to this view they were compelled to read the enacting half of the section, without any reference to the Preamble, reversing all that had been done from the time of James. When the Acts came to be consolidated in the time of George IV., the draftsman left out the Preamble, and retained only the enacting part of the section; and so the law remained till the present moment, and that law was proposed to be continued. Let the House bear in mind to what an extent that principle had been carried. A bankrupt might be entitled to a reversionary legacy, which might be called invisible property—nobody knew he had it; and he sold it to a man who paid him the money, but by some slip forgot to give notice of the assignment to the executors. The consequence was, that the legacy might possibly be transferred by the bankrupt to somebody else who might acquire a title by giving the notice; and, therefore, the law deemed the legacy in the reputed ownership of the bankrupt and the unfortunate purchaser lost the reversionary legacy, and it was distributed among the creditors. Let them then take the case of a man who assigned a policy of assurance to the trustees of his marriage settlement. The trustees neglected to give the notice to the assurance office, and the innocent people claiming under the settlement were thus robbed. He did not wish to interfere with the beneficial provisions of the Act of Elizabeth, but when the Bill went into Committee he would ask the House to strike out that clause of it which was a mere repetition of the clause which had stood so long, and had been inserted originally by a mistake; which created an anomaly and every now and then worked great hardship. He would now pass to a matter of much greater importance, involving a state of law which existed in this country alone—he meant the mode of disposing of the property of a man who died insolvent. No one but a lawyer, and one who had devoted considerable study to this subject, could fully understand the complexity and injustice of the law relating to bankruptcy and insolvency. Was it credible that if a man who was insolvent was adjudicated bankrupt, and died the day afterwards, his property would be divided rateably among his creditors, while if he died the day before adjudication his property would be divided among different persons and in totally different proportions? According to the law which prevailed in most Continental countries, the estate of a deceased insolvent would be divided rateably among his creditors, without preference or priority; and the majority of his audience, even those who were lawyers, would be willing to admit that such a division was consistent with equity and justice. But in this country, on the death of an insolvent trader or non-trader, all those claimants who had got a seal to their contract, came forward and got 20*s.* in the pound, while those who held promissory notes, bills of exchange, or book debts very often received nothing at all. As a general rule, trade creditors did not get bonds or mortgages, but merely bills of exchange or promissory notes. On the other hand, members of the family or private friends who lent money, got things signed and sealed; and the consequence was that when an insolvent trader died before he was made a bankrupt, all his friends and relatives, including of course the trustees of his marriage settlement, came in and were paid in full, while the ordinary creditors got little or nothing. The wonderful results produced by affixing a seal he had never been able to make a foreigner understand, though he had seen them exemplified but too clearly in practice. A few years ago an attorney died insolvent, having committed several frauds. He was a trustee of two marriage settlements, and in each case managed to possess himself improperly of £5,000, making £10,000 in all. His assets were about £4,000, and the estate was brought into Chancery, when it turned out that in one case he had executed a deed by affixing his seal to it, while in the other case he had omitted that ceremony. As long as the attorney lived this made no difference, for the stock had been transferred to him in both cases, and he robbed both parties equally. But when he died it made all the difference; and the result was that the claimant who had got the seal got the whole of the £4,000, while the other parties got nothing, and, moreover, had to pay the whole of the costs, including his (Mr. Jessel's) fees. That was a case calculated to make a strong impression, but he had witnessed in his own practice still more remarkable illustrations of the state of the law. An insolvent trader, possessing a great deal of property, but owing debts to a still larger amount, and, therefore, not being worth a fraction, got married. He had nothing to settle, but he covenanted that his executors should pay to the trustees of his marriage settlement the sum of £10,000 for the benefit of his wife and the children of the marriage. Men of that stamp were apt to be liberal in their promises. He was insolvent at the time of the settlement; he lived and he died insolvent; and when they came to administer his property in Chancery it was found that he had died worth a little over £10,000, and that he owed his trade creditors £25,000. The estate was administered according to law. First of all, the costs of the Chancery suit were paid, thereby reducing the fund a little below £10,000, and then the whole of the estate was handed over to the trustees of the marriage settlement, the creditors obtaining nothing beyond the pleasure of paying their own costs. That case afforded probably as good an illustration as could be found of the evils of a state of law which, having existed for centuries, would, he hoped, be abolished on the passing of this Bill. Again, if a man had a mortgage or other charge upon a debtor's property, and the property was insufficient to pay the mortgage or charge, and the debtor became a bankrupt, the value of the mortgage or charge was deducted from the secured debt, and the creditor proved for the difference; but if the debtor died first, the creditor proved for the whole against the personal estate, without making any deduction on account of the mortgage security. He came next to a still more important point in the administration of assets. As long as a trader was alive he must not commit what was called a fraudulent preference. A debtor, knowing that he was about to become bankrupt, must not go voluntarily to any of his creditors and pay him the amount of his debt in full; and if he did these consequences followed,—the bankrupt was punished and the creditor was made to refund. But supposing a man died insolvent before he had been adjudicated a bankrupt, what was the law as regarded his executor? Why, the executor had a full right to prefer one creditor to another amongst creditors of equal degree. He might pay one creditor in full, and leave the rest to go without anything; the executor was not punishable, and the creditor who received the money could not be compelled to refund. He would illustrate the operation of the law by giving two instances that had come within his own knowledge. In the first case a gentleman of high rank, who had a life interest in large property, died, owing large sums to tradespeople and others. His personal property, if equally divided among his creditors, would have paid 4*s*. or 5*s*. in the pound. The executor, being a man who had some knowledge of law, came to the conclusion that the tradespeople ought to be paid, and therefore he collected the assets as quickly as he could and paid those persons in full before his (Mr. Jessel's) client could file a bill in Chancery to stop him. The result was that while the tradespeople were paid in full, the other creditors only obtained 9*d*. in the pound. The second story to which he had alluded was as follows:—Four or five years ago a China firm sent over to this country a young man who had been a clerk, and established him in business, giving him credit to a large amount. The young man's affairs did not prosper; he borrowed large sums from his father-in-law, his wife's brother, cousins, and other relatives and intimate friends. Well, he died one day, when it was found that he was insolvent. His widow proved his will, and being a woman, she put the administration of his affairs in the hands of her father, who adopted this course—In the first place, he paid himself in full; next he paid the brother, then the cousins, then the other relatives, and then the intimate friends. By the time that the principal creditors, who resided in China, could file a bill in Chancery the remaining assets were not sufficient to pay the costs of the suit. These were not isolated cases, they happened under the eyes of Chancery lawyers daily. And why should the executors have this power? Why should they possess a power of dealing with the estate which the persons whom they represented did not possess? The law might be altered easily by enacting that no executor or administrator should be allowed hereafter to give any preference to his own or to any other creditor's debt as between the creditors; and, secondly, that there should be no priority between the creditors themselves; and, thirdly, that mortgage creditors should be put on the same footing as other creditors. He had only one further remark to make, which was to thank the House for the patience and kindness with which they had listened to his observations.

MR. G. GREGORY said, he was anxious to have the opportunity of making a few remarks upon this Bill, as he had conferred with several Members of his profession upon the subject. He would endeavour, as clearly as he could, to lay before the House the conclusion at which they had arrived with respect to the changes that ought to be made in the existing law, and he trusted that the suggestions he might make would be of use to the hon. and learned Attorney General. In the first place, the gentlemen with whom he had the honour of acting were of opinion that the object of a Bill of this nature should principally be to meet the views and the interests of the mercantile and the trading classes of the country, and that it was the duty of that House to co-operate with those classes in endeavouring to render the Bill efficient for that purpose. What he might call the great principle of the Bill—the administration of the bankrupt's assets by the creditors themselves—had met with general approval; but the establishment of a special bankruptcy tribunal was much deprecated. The first objection to a special tribunal was the natural tendency of such tribunals to take narrow views of the principles of the law; and another objection was that, although the first appointment of a Judge might be a very good one, made with great care and the greatest regard to his qualifications for the office, the same might not be the case with the second or third; and they might have a Judge ill-adapted for the special functions he was to fulfil, while suitors were bound to his court, having no choice of going elsewhere. Again, he would point out that, except for the purpose of appeals from the counties, the jurisdiction of this special tribunal was confined to the London district. As regarded these county appeals he thought it would be more satisfactory if they went to the ordinary courts of law in the usual course, in the same way as motions for new trials; and it would also be preferable for the metropolitan bankruptcy business to be taken before those tribunals. They were to use the existing tribunals in such places as Birmingham, Liverpool, and Manchester, and, therefore it appeared to him that they might very well use the existing tribunals in the metropolis also.

That was the only objection he had to offer upon this subject, and he did not propose to trouble the House at any length upon the details of the Bill; but there were one or two points to which he thought it right to advert. He thought the hon. and learned Gentleman would find he had limited the Bill a little too much with respect to his definitions of partnership and of trade; and he did not see why he should have made any difference between traders and non-traders at all. It might lead to difficulties of construction hereafter. It would also have been as well if further facilities had been given for the inception of bankruptcies. He considered it very objectionable that the whole of the proceedings should depend upon personal service. Under the present law great difficulty and expense were often incurred in putting bankruptcies into force. It was now provided that a bankruptcy should not be effected unless the proceedings for making a man bankrupt were brought to his knowledge. He need not say that this was a species of knowledge which many gentlemen were anxious to avoid, and which they had facilities for avoiding. Again, with reference to the administration of assets, he thought it was desirable to give the creditors an opportunity of knowing what was going on; that they should have full access to the accounts, and should have power to bring the assignee or the liquidator before the Judge, and raise any question they judged necessary as to the mode in which the administration of the assets was carried on. He spoke on that point with some experience of proceedings in the Court of Chancery connected with the winding-up of joint-stock companies, which were often of a character discreditable to any civilized country. Under the Winding-up Act an official liquidator was appointed by the Court, and in those cases in which the services of a man of high standing happened to be secured matters were managed very fairly and honestly; but there were instances in which the appointment was referred to the Judge's clerk; when it was made no adequate control was exercised; the result being that nearly the whole of the assets realized by repeated calls upon the wretched shareholders were expended in meeting the demands of the liquidator and the attorney whom he employed. Unless an individual creditor were afforded an opportunity of knowing how matters were going on, and bringing them, if necessary, under the notice of an authority competent to deal with them, the provision in the Bill would not completely meet the objection to which he referred. The hon. and learned Member for Dover (Mr. Jessel) had touched on the question of securities, and particularly on securities on mortgage. He thought the hon. and learned Gentleman had carried his doctrine a little too far. He even thought that the provisions of the Bill went too far, in giving power to the administrators to take mortgage securities out of the hands of creditors and realize them, whether they would or not. That was a new doctrine. He had always thought that a mortgage was in strict right and justice the property of the mortgagee, all that remained to the mortgagor or his representative being the equity of redemption; and he thought that a shock would be given to property in general if mortgage securities were to be placed on something like the footing of bills of exchange. He wished also to say a word with regard to composition deeds. The Bill in its present stage placed those deeds very much on the footing of bankruptcy. He was aware that they had been frequently attended with fraud, but it should be borne in mind that this species of fraud had, to a great extent, been put a stop to by the Act of last Session, requiring a declaration from those who were parties as creditors to these deeds. He could not agree with the hon. and learned Member for Dover as to the manner in which these composition deeds originated. They were usually the result of a meeting of creditors who fairly represented the general body, and who agreed upon a composition which it would be fair and right for the debtor to pay; and they entered with their eyes open into the arrangement for the purpose of avoiding the expense and annoyance of proceedings in bankruptcy. He did not deem it expedient, therefore, that these deeds should be dealt with as the Bill proposed. There were other details which he would not at present enter upon, but he was sure that all would appreciate the motives of the hon. and learned Gentleman who had brought in the Bill, and thank him for having taken upon himself the responsibility of it. He had ventured to make these remarks under the impression that the hon. and learned Gentleman was open to receive any suggestions which had a tendency to increase the efficiency of the Bill, from whatever quarter they might proceed.

MR. SERJEANT SIMON said, he concurred with his hon. and learned Friend the Member for Dover (Mr. Jessel) in much that had fallen from him in the course of his able speech, but there were, at the same time, some remarks of his from which he felt bound to express his dissent. He highly approved, in the main, of the Bill, because it struck out in the right direction, and sought to attain what ought to be the first object of a Bankruptcy Law—a fair distribution of the assets of the insolvent debtor among his creditors. One great feature in the Bill was the separation of what he might call the penal branch of the Bankruptcy Law from that which related to the distribution of the property. Under the present laws they had not only provisions for the distribution of the bankrupt's estate, but they had also provisions for punishing fraudulent or improvident bankrupts, and these provisions were so elaborate as to bring almost every conceivable misconduct within the jurisdiction of the Court. Much time was spent and great expense was incurred by examinations for this purpose. The present Bill would be a great improvement on that course, and he congratulated the Attorney General upon his proposal to separate these two branches, and to refer to another Bill—which would be read a second time afterwards—all offences against trade, whilst he confined this Bill to the true and cardinal object of a Bankruptcy Law—a settlement of the affairs of the debtor with his creditors. With regard to what the hon. and learned Member for Dover said respecting the proportion of creditors that were to have power to effect a composition, he confessed he (Mr. Serjeant Simon) did not clearly understand his hon. and learned Friend's argument. He would not go into such legal antiquities as the *lex Julia* or the *cessio bonorum*; if so he might perhaps, go higher still, for there was once such a thing as a *cessio personarum*. But the Bill was to be tested not by the wants or necessities or the sentiments of a remote age, but by the wants and necessities of the age in which we live; by what was morally right and just, and what was expedient and practicable under the circumstances of the case. The principle of the Bill was correct so far as it sought to secure that the estate of the bankrupt should be dealt with for the benefit of his creditors. With regard to the majority of the creditors that was to bind the minority, that was, to a great extent, a matter of expediency. Up to the time of George IV. the whole question was left in the hands of the creditors themselves. The creditors could do as they pleased, and it often happened that a large creditor would vote himself an assignee, and pay himself out of the funds. The only redress the other creditors had was the slow and expensive one of going before the Court of Chancery. By the statute of William IV. Parliament went to the other extreme. It took the assets out of the hands of the creditors, and placed them under the protection of a court of law and equity—the Court of Bankruptcy with the Court of Review. It was found that that did not work beneficially for the creditors; and then there was a Consolidation Act, in 1849, which abolished the Court of Review, but which did not take away the cumbrous legal process. He therefore congratulated the Attorney General on having taken, what he (Mr. Serjeant Simon) believed to be, the best course in giving the creditors power over a bankrupt estate, tempered by a certain amount of control by a legal and impartial Judge, who would keep matters straight as between the creditors and the debtor, and as between the creditors among themselves. He did not see why a creditor, because he had a large claim should be allowed to over-ride a number of smaller creditors, who, though their claims were smaller in themselves, could less afford to lose any portion of their debt; and he therefore approved of the provision of the Bill which would place the proportion of creditors who were to approve of the settlement as nearly as possible at the whole number. With regard to the question of reputed ownership, the hon. and learned Member for Dover had given examples of cases where great injustice was done. But he would give one case where a person who had become a bankrupt had had a few pictures sent to him by members of his family for his inspection; they were, unfortunately, allowed to remain in his house till the bankruptcy took place;

and then, because they were sent back to their owners, the bankrupt's whole family were summoned before the Commissioners and charged with the fraudulent removal of the property. The creditors claimed the pictures and received the proceeds of their sale. He did not say that the clause ought to be struck out of the Bill altogether; but he thought that it might be so modified as to protect the creditors against fraud, while, at the same time, property which had come by accident into the hands of the bankrupt, but which did not belong to him, and by the possession of which he had not obtained credit might be protected against the claims of strangers. With regard to the appointment of a Judge of the court he could not agree with the proposal of the hon. and learned Attorney General, and he must ask him to consider if the County Court Judges in the country were able both to distribute the bankrupts' estates and to administer the law in addition to their ordinary duties. Then if they had a separate court in London the business would be either too much for a single Judge or it would not be enough. One Judge could not dispose of the bankruptcy business of the London district and also hear appeals from the country. On the whole, it appeared to him that it would be well if a Commissioner were appointed to administer the law in London, and that the hearing of appeals should be left, as at present, to the decision of the Lords Justices. He did not approve of one of the Judges of a Court of Common Law being appointed to administer all the details of bankruptcy, and to act as a Judge of Appeals as well. If he were to sit to administer the law as a Commissioner, and at the same time to hear appeals from the County Courts, then he wanted to know who was to hear appeals from him. The Judge would, he presumed, have to hear appeals from his own judgments, but on this point the Attorney General would, perhaps, be able to give some explanation. There was, indeed, a clause in the Bill providing for a second appeal to the Lord Chancellor, and in certain cases to the House of Lords; but for his own part, he was strongly opposed to a multiplicity of appeals, especially in bankruptcy, and he thought it would be much better, both in respect of economy and efficiency, if there were but one appeal, and that should be to the present Court of Appeal in Bankruptcy. The Attorney General had introduced into the measure an excellent amendment, that of depriving the insolvent trader of the power of making himself a bankrupt; but no provision was made against cases of collusive petitions. Any friend of the debtor might present a petition for his bankruptcy under the Bill as it now stood; for it allowed a creditor of £50 to present a petition. He would suggest the introduction of a clause to prevent this provision from being fraudulently used. With regard to another part of the measure—the release of the bankrupt—he entirely agreed with the hon. and learned Member for Dover. He thought it was a distinction without any foundation in expediency or justice that any person who was a trader could get a release from his creditors, while a man who was not a trader had his property always subject to the action of his creditors. He knew the reason of the law to be this—it was said to be for the advantage of commerce—that credit was a necessity for commerce, but was not necessary in the other walks of life. But that was not so. Credit was necessary to every man. It was as necessary to the man who was not a trader as to the man who was. He thought, however, that if the present system of release allowed to creditors were abolished a wholesome check would be given to the reckless speculations that were often undertaken. It would also be a wholesome check on the abuse of credit—it could, in fact, be salutary to all parties. It was said that the state of the law encouraged trade—he said it encouraged dishonesty. He believed there was always a disposition among mercantile men to treat bankrupts with every degree of fairness and consideration. He had not been for twenty-six years in the profession of the law without having seen much of the working of the Bankruptcy Law, and he had witnessed much kindness and commiseration shown by creditors to bankrupts—not only to persons who had failed through misfortune, but even to those whose failure had been owing to their recklessness, if only they had been honest. But the law did not protect men whom it was intended to protect—it protected swindlers who had no capital but the credit which they had dishonestly obtained.

He thought it was derogatory to the country, and discreditable to commercial morality that this scandal should be suffered to continue. As to the provision in the Bill that the debtor should be released on paying 10*s.* in the pound, he could see no principle in it. Why should they stop there? He would insist, in all cases, on the payment of 20*s.* in the pound, unless the creditors, or a certain proportion of them, agreed to release the debtor from further obligations. To them only was it fair to give the powers of release. He had made these observations in the hope that his hon. and learned Friend the Attorney General would consider them before the Bill came into Committee.

MR. ALDERMAN W. LAWRENCE said, it appeared to him that there were two points in the Bill which seemed to require consideration. The Bill provided that the estates of bankrupts should be made over to trustees. But some provision was requisite for the case of a fraudulent trustee. Under this Bill, a trustee might receive a large sum of money; he might leave the country and retain the money; and there was no power of treating him as a fraudulent person and a criminal. The Bill merely provided that the trustee was not to retain in his possession any larger sum than £50 for more than fourteen days, under a penalty of paying 20 per cent interest upon it; but if the trustee chose to disregard this provision, there was no further power afforded of dealing with him. Again, he thought full power should be given to every creditor, either by himself or his legal agent, to examine the bankrupt in a public court, not only as to the disposal and the concealment of any part of his property, but also as to any transactions in his trading which might have led to his bankruptcy. The Bill, he believed, was taken from the Scotch Law of Bankruptcy, and the principle of that law was favourable to the examination of bankrupts. It was often most important, in connection with certain kinds of trading, that the whole system should be unfolded before the public, in order not only that the bankrupt himself and those who might have been connected with him might be exposed, but that a check might be placed upon a particular mode of trading. Sometimes strange causes for their insolvency were assigned by bankrupts, as, for example, insufficiency of income. That ought never for a moment to be allowed to appear in a schedule as the cause of a man's running into debt and avoiding the payment of his creditors. In conclusion, he begged to congratulate the Attorney General on having so far produced a Bill which, upon the whole, met with the approval of the trading interest of the country.

MR. MORLEY said, the reason why hon. Gentlemen connected with the various Chambers of Commerce in the country had not expressed their opinions upon this measure was that several of them had seen the Attorney General in reference to many matters of detail connected with the Bill, whom they had found ready to listen to any suggestions which they had to make; and it was thought by those on whose behalf he (Mr. Morley) spoke that it would be convenient to defer any discussion in regard to the measure until the House came to deal with it in Committee. He could not, however, refrain from expressing his conviction that the Bill was an excellent Bill, the chief and leading feature of which was its simplicity. The Preamble of the measure might run somewhat in this way—If the creditor class of England desire to secure for themselves promptitude and economy in the realization and distribution of assets, they must mind their own business—in other words, the time for the employment of officials had gone by. He was thankful that the hon. and learned Gentleman had decided upon sweeping away the officials in Basinghall Street, and saying to the trading class for the future—"You must meet and conduct your own business for yourselves; we have tried to help you by messengers, by brokers, by official assignees, by all conceivable agencies, which have involved an enormous outlay of money; henceforth if your business is to be conducted expensively it will be your own fault." There were many questions which would need to be considered, and which those whom he represented would be prepared before the Bill got into Committee to submit to the Attorney General for his consideration. He was thankful that they were to have a Chief Judge. The Judge to be appointed would, he hoped, have a real sympathy with the trade of England. He used the term advisedly. The trading classes wanted no favour, but they desired that in the arrangements of the court every proper facility should be given them in dealing with bankrupts. They contended that if protection against vindictive treatment on the part of his creditors were extended to the insolvent debtor, then every facility should be given to the creditors to secure possession of property which they alleged belonged to them, and not to anyone else. He understood that to be the principle of the Bill, and he was satisfied, therefore, that it would meet the just and anxious expectations of the trading community. He thought, however, that the present measure was dejective in two points — namely, in excluding certain acts of bankruptcy which existed at present, and as to its penal clauses. There were many acts committed by traders which would require to be dealt with more distinctly than the Bill proposed to deal with them. He saw an increasing need of a public prosecutor. They had no guarantee at present for the prosecution of a fraudulent trader. Action in that matter was made to depend upon the will of the creditors; and he (Mr. Morley) was enabled to state, from many years' experience of these matters, that when a body of creditors met to consider a bankrupt's estate, they were unwilling very frequently to add to the heavy loss which might already have been incurred, the enormous expense which would be entailed by the prosecution of a fraudulent trader. He had known, however, cases in which a small number of the creditors, unassisted by the general body, had undertaken to bear the expense of such a prosecution rather than allow the trader to go free. If some agency could be devised, irrespective of the creditors, for prosecuting fraudulent traders, it would be an immense improvement. He also wished to impress upon the Attorney General the necessity of some better mode of dealing with deceased insolvents' estates. In that matter creditors were frequently plundered, and some provision ought to made to meet such cases. They might be told that they had a remedy by applying to the Court of Chancery, but they had generally found that where it had been necessary to go to that court the shells had been thrown to them, and the oyster itself had disappeared. The present measure was certainly defective in some of its details, and it would require careful looking at when in Committee; but taking it as a whole, he thanked the Government for introducing it, and he believed that the trading classes would hail it with great satisfaction.

Mr. STAVELEY HILL said, he would put it to his hon. and learned Friend the Attorney General whether it was worth while to do away with the facilities by which a debtor became bankrupt on his own petition, when it was left open, by a slight collusion with one of his creditors, for the creditor to file a petition on which the debtor might be made a bankrupt? It seemed to him that it would be almost better to allow a person in insolvent circumstances himself to petition to be made a bankrupt, in order that he might free himself, as far as he could do under the Bill, from the debts which were pressing upon him.

Mr. HINDE PALMER said, that the suggestions which had been thrown out by legal Members were most valuable, but the fact that the measure had been received with general approbation by influential Gentlemen connected with commercial interests was even more important than any approval it might meet with at the hands of the legal element in the House. One of the greatest misfortunes hitherto attendant upon our system of administration in bankruptcy was that it had been too much overridden by legal officialism; and he regarded it as one of the great merits of the Bill before the House that it altogether abolished the system which had proved so entirely abortive. There were various details in the Bill which would require amendment in Committee, but its main principles, he was glad to find, had been sanctioned by the commercial element in the House. That there should be a Chief Judge he regarded as a most wholesome provision, and he hoped it was one which his hon. and learned Friend would not abandon without mature consideration. He believed it was one source of failure in the Bill of 1861 and other measures that there had not been a recognized chief Judge, who should be looked upon as the head of the bankruptcy administration of the country; and the reason was because it involved more than the hon. and learned Serjeant (Serjeant Simon) had taken into account; for such a functionary, besides hearing appeals, would have, under the sanction of the Lord Chancellor, to frame a code of practice, and lay down such rules and regulations as would be required in order to inaugurate a new system. This measure was the commencement of an entirely new era in bankruptcy administration. By vesting in the creditors themselves the administration of the bankrupt's estate, it would prove a great advantage to the commercial interests of this country.

Mr. PEEK said, he had listened with great attention to the speech of the Attorney General, when introducing the Bill, and was sorry to say that he (Mr. Peek) differed from the hon. Members for Bristol (Mr. Morley) and the City (Mr. Alderman W. Lawrence), and could not receive the measure with the same satisfaction that they had. He had taken care to place the Bill in the hands of some of the best accountants in London, and had gone very attentively through its provisions himself, and the conclusion he had come to was that if it were intended that we should start fresh with a comprehensive bankruptcy law, it would be much better if the present Bill were withdrawn and another introduced in its place, even at the cost of going on as we were for another year. How muchsoever the Bill had been praised almost every Member who had spoken had found some fault with it, and even the hon. and learned Attorney General himself proposed to introduce two important Amendments. If that were so would it not, on every ground, be well to withdraw it and bring in another? Hardly any subject could engross the attention of the House to better purpose than the Law of Bankruptcy, because, in his opinion, it had done more to lower English character than almost any series of measures that had been passed in this country for a long time. He was one of those who thought that when a man could not pay 20*s.* in the pound the onus of proving himself an honest man should rest upon him. The hon. and learned Gentleman had stated on a former evening that the delay which had arisen in placing the Bill in the hands of Members had been owing to instructions which had been given to the draftsmen to make it as short as possible. But if this Bill were to be a codification of the law, as he understood was intended, brevity might, perhaps, be obtained at the cost of efficiency. What the Bill contained was, on the whole, good, but the omissions were striking. There was no clause in it enabling an estate to be taken out of bankruptcy, nor any under which composition could be arranged if the estate was in bankruptcy; and, what was very singular, there was no clause repealing the Acts now in force.

The ATTORNEY GENERAL said, that a separate Bill would be introduced as part of the scheme.

Mr. PEEK said, he thought the remark of the Attorney General had given great force to his (Mr. Peek's) words. If he had already put two important Amendments on the Paper, and would have to introduce a supplementary measure, would it not be better to withdraw the Bill at once, and if we were to have a codification of the law let a good strong Bill be introduced. A short Bill had been brought in by the hon. Member for Southampton (Mr. Moffatt) last year which had given great satisfaction to the commercial classes; but the principle of that measure had been, he would not say ignored, but omitted in the present Bill. He hoped the Attorney General would take that Bill into consideration. It was his earnest wish to see a Bill on Bakruptcy that should be a credit to the country, which previous measures on the subject certainly had not been.

Sir FRANCIS GOLDSMID said, there was one point, not without importance, to which he wished to draw attention, and that was the mode of appointing a Chief Judge, which he found laid down in the 57th and 58th sections. It was there proposed that one of the Judges of the Common Law Courts should be selected for the office, and that if thus a want was created in the court from which he was taken, a new Judge of that court should be appointed. If the House had been informed positively that a Judge could be spared from one of the Common Law Courts, there might be an economy in doing what was proposed, but the step had not that recommendation, and the only effect of it would be to exclude any gentleman at the Chancery Bar from the appointment. Now he saw nothing in the character of the Chancery Bar which would justify such an exclusion, and the only precedent for it was to be found in the Election Petitions Act of last Session. In that case, however, there were reasons that did not in the least apply in the present instance.

There it was considered advisable, he presumed, to encourage the idea that bribery was a crime, by appointing to hear election petitions, functionaries, part of whose previous duties it had been to preside at criminal trials. Besides, it was thought desirable to endeavour to avoid the suspicion of political bias in a matter so closely connected with politics, and therefore each of the principal courts of Common Law was required to select one of its own members to try election petitions. It was also truly stated that those Judges were in the habit of hearing and weighing *vivâ voce* evidence, and that such evidence would form the principal material for the decisions on election petitions. But in the present case, not only did none of these reasons apply, but it was also true that bankruptcy business was more analogous to the business of a Court of Equity than to that of the Courts of Common Law. Nor could it be doubted that at the Chancery Bar were to be found gentlemen as intelligent and honourable as in the other branches of the great profession of the law. On these grounds he thought it very objectionable to limit the discretion of the Advisers of the Crown in the way that was now proposed.

Mr. Alderman LUSK said, he hoped that the Attorney General would be firm and push the Bill through. We did want a change in the Law of Bankruptcy, for at present it was so monstrously bad that a measure must be a very poor one indeed which would not make it better. The present Bill was considered a great improvement on former Bills. This was the fourth Bill he had seen introduced, and he hoped it would not be talked out, and end in nothing. It was said that hard cases made bad law, and though there might arise an occasional hard case under the present Bill that was no reason for throwing doubts on the measure; it might prove the contrary. He found almost every one out-of-doors say that the Bill would be a great improvement, and therefore he hoped the hon. and learned Gentleman would not withdraw it.

Mr. F. C. SMITH said, he wished to offer his cordial thanks to the hon. and learned Gentleman the Attorney General for his introduction of that excellent Bill. He hoped that it would soon become law. He thought if a bankrupt paid 10*s*. in the pound he ought to be let go free. If a bankrupt were to remain liable for a certain number of years in the event of his debts not being paid in full, such a liability would exercise a prejudicial effect on the trade of the country. The bankrupt would not then be put in a fair position, because it would be hardly possible for him to obtain credit for the purpose of carrying on any kind of business, and he (Mr. F. C. Smith) therefore hoped the provisions of the Bill which related to that subject would remain unaltered.

Mr. ANDERSON: As one of the Scotch Members I might have left this discussion entirely to the English Members, but inasmuch as the firm with which I was connected often suffered from the bad state of the English Bankruptcy Law, I shall be much pleased to see the change which the present Bill proposes. In my opinion that law is so bad that almost any change must be an improvement. The hon. and learned Gentleman the Attorney General has told us that his Bill is for the most part founded on the Scotch Law, and I think I may congratulate him upon the fact that he has adopted from the Scotch system a great deal which is good, and he has even introduced some improvements. I think that particularly the proposal by which parties are to be induced to make known the state of their affairs before they have run their estates down to the dregs is a very great improvement. I will only add one further observation, and it is in confirmation of a remark of the hon. Member for Bristol (Mr. Morley) as to the want of a public prosecutor in cases of fraud. Of course, it is desirable that fraudulent bankrupts should be punished, and you never can secure this object without first taking the step suggested, and appointing a public prosecutor. You never will get creditors to go to the expense and trouble of a prosecution unless you have some such officer appointed. Indeed I may go further, and say that it is somewhat surprising to a Scotchman that you in England should have so long submitted to the annoyance, the trouble, and the expense of having to be prosecutors whenever any man does you an injury of a criminal character. In Scotland we have long recognized the principle that when a man perpetrates a criminal act he does an injury not only to the person who is the principal sufferer, but to the public at large, and consequently we have a public prosecutor to see that punishment is awarded to the offender. The Lord Advocate is at the head of this procedure, and in every district there is a Procurator-Fiscal under him. I think that in anything you may adopt from the Scotch system you could not do better than adopt this also.

THE ATTORNEY GENERAL said, he had to express his satisfaction at the manner in which the Bill had been received. With one exception, every hon. Member who had spoken approved of the general principles of the Bill. Differences of opinion on particular points would, of course, arise in the consideration of such a vast number of provisions in so complicated a measure as a Bankruptcy Bill, but he assured the hon. Member for Bristol (Mr. Morley), and those in whose behalf he spoke, that he would carefully consider any suggestions that might be made to him and adopt them as far as possible. Most of the topics which had been raised could more conveniently be discussed in Committee; he therefore proposed to deal with them lightly at present. The hon. and learned Member for Dover (Mr. Jessel), in his able speech upon the general Law of Bankruptcy, appeared to find but little fault with the leading features of the measure, but suggested that more powers should be given to creditors by arrangement clauses, and that they should be empowered to put an end to a bankruptcy if they thought fit. The Bill, he believed, already gave this power, but, if it did not, the addition of a few words would readily supply the omission. The hon. and learned Member also expressed an opinion on the subject of after-acquired property and the extent to which it should be liable. Upon this point he assured the hon. and learned Member that the Bill went further in the direction of severity than any that had ever before been proposed. Hitherto a bankrupt had been allowed to obtain his discharge, as regarded his future property, without paying any dividend at all; indeed, in the majority of cases during last year and for some years previously, no dividend whatever had been paid, yet the bankrupts in these cases had obtained their discharge and their future-acquired property had been in no respect liable. The Committee of 1865 recommended that a bankrupt should be released on payment of a dividend of 6*s.* 8*d.*; in this measure the minimum was fixed at 10*s.* 6*d.* If it were resolved to make a bankrupt's future property liable to the extent of 20*s.*, as some hon. Member had proposed, before a release were granted, the law of bankruptcy might as well be abolished altogether. It was desirable that the bankrupt should have some inducement for stopping early, before the estate was completely dissipated by unsuccessful efforts to regain solvency; it was desirable to make it his interest to stop when he could pay a dividend and not to go on until nothing was left; and it was desirable also to give him a fair chance after being declared bankrupt. He would have five years to relieve himself, and if he paid 10*s.* 6*d.* in the pound he would be released from his debts for ever; while if he did not pay that dividend his after-acquired property would be liable, but at the discretion of the Court. These requirements the Bill met, and he claimed the co-operation of his hon. and learned Friend (Mr. Jessel) in Committee. With regard to the question of reputed ownership the foundation of the rule was sound, though no doubt it worked harshly in some cases, and it was certainly carried too far when extended to what was called *choses in action*—invisible property on which the bankrupt could not have obtained credit. But evidently the creditors had some claim upon property intrusted to a person who became bankrupt after having obtained credit on the strength of his reputed ownership of that property. The rule, therefore, was not dealt with in the Bill, but some modification of the clause on the subject might be made; and he would not follow his hon. and learned Friend in his remarks upon the subject further. The hon. Member for East Sussex (Mr. Gregory) had objected to some of the provisions of the Bill with respect to the service of notices and some other matters; but it was proposed to intrust the Judge and the Lord Chancellor with a power of making rules and regulations for the guidance of the court in London, and of the different courts throughout the country. It was better to leave such matters of regulation to the discretion of a Judge in whom confidence could be placed, than to attempt to prescribe every rule of practice in an Act of Parliament. He relied on that provision in a great measure for the working of the Bill. That arrangement enabled them to make the measure much shorter than it otherwise would have been, and thus it was that, while the Bill of last year contained no less than 530 clauses, the present Bill contained only 130. The worthy Alderman, the Member for the City of London (Mr. Alderman W. Lawrence) seemed to fear there would not be power to reach fraudulent, absconding, and embezzling trustees; but such cases were met by the Fraudulent Trustees Act. He believed it would be found there was ample provision for the examination of bankrupts; and his answer to the suggestion that penal clauses should be introduced was that they would be found in the Imprisonment for Debt Bill—which he should presently ask the House to read a second time—where it was thought by the draftsman and himself better to place them. There had been no omission, either in this respect or as regarded the repeal of existing Acts, for it was thought better to have a separate Repeal Bill and to bring it in when the Bill had passed through Committee and it had been seen what statutes had been repealed. Only one more question required any remark—namely, the appointment of a Chief Judge. To that appointment he attached a good deal of importance. It was proposed by Lord Westbury, in his Bill of 1861, and it was approved by this House; but the House of Lords rejected the proposal, and to that the author of the Bill attributed almost entirely the failure of his measure, for the provision was material to the working of that Act. Lord Westbury likened the Judge in that case to the mainspring of a watch; and although he (the Attorney General) was not prepared to go quite that length, he regarded the appointment of a Chief Judge—a Judge of the highest authority—as a most important portion of the scheme. He looked upon it as the keystone of the arch, for they must rely upon a Chief Judge to frame rules of practice for London and provincial courts, and to introduce uniformity of procedure and of practice. Without disrespect to the Commissioners of Bankruptcy, it must be said there had been an utter absence of control over the officials of the courts, which had not existed in the superior courts; and it was hoped that by the appointment of a Chief Judge it would be possible to keep better order among officials and to exercise more control over them; there would be fewer officials in future, for it was proposed to make a clean sweep of several. It was necessary to have a Chief Judge also for the purpose of trying important cases and hearing appeals; and he could not help thinking it was a proper provision that the appeals should go to that superior Court of Common Law, from which the Chief Judge was taken. With regard to the remarks of the hon. and learned Member for Reading (Sir Francis Goldsmid) as to not giving the Chancery Bar a chance, it might be said that no chance was given to the Common Law Bar either. The appointment of an existing Judge who had proved his capacity would probably carry with it more weight than the appointment of any gentleman who could be selected from either the Chancery Bar or the Common Law Bar. The main objects sought by the Bill were to simplify the law, to abolish a vast amount of officialism which had encumbered the operation of our bankruptcy system, and to cheapen the administration of bankrupt estates which, in many cases, had cost 75 per cent in this country, while in Scotland the average cost was not more than 12 or 13 per cent. These figures pointed strongly to the expediency of adopting as far as possible the Scotch system; and they had the testimony of a Scotch Member (Mr. Anderson) that the Bill not only embraced the main elements of that system, but was, in some respects, an improvement upon them. They had endeavoured to go upon the principle of separating the judicial from the administrative functions, leaving the administration entirely to the creditors, and giving the judicial functions entirely to the Court. He was glad to hear the general judgment which had been pronounced upon the Bill by his hon. and learned Friends, and by those Gentlemen who were entitled to speak in behalf of the mercantile community, and he should be happy to receive any further suggestions for the purpose of making it more acceptable to the public.

Bill read a second time, and *committed* for *Monday* 19th of April.

IMPRISONMENT FOR DEBT BILL.

(*Mr. Attorney General, Mr. Solicitor General, Mr. Chancellor of the Exchequer.*)

[BILL 61.] SECOND READING.

Order for Second Reading read.

Mr. NORWOOD said, he rose to renew the protest he had already made against proceeding with the Bill, which was not in the hands of Members until Friday last. Several telegrams were received in London, from various Chambers of Commerce throughout the country that morning, requesting second reading might be postponed on the ground that it had been totally impossible to examine the Bill. Although it was rather unfashionable not to believe in the abolition of imprisonment for debt, he did not see the hardship of the present law, for a man could be imprisoned only after a final process, and then for a very limited period, as Registrars were obliged to go round to prisons and almost to drive debtors out by compelling them to pass through the Bankruptcy Court. He believed that if the power of imprisonment were given up very great fraud would ensue. Persons arrested for debt were seldom mercantile men, for these had assets and came readily under the provisions of the Bankruptcy Law; but persons arrested were for the most part non-traders who had no ostensible or available means on which to levy executions or defray expenses of bankruptcy, so that imprisonment was the only means of securing the payment of the debts owing by them. He objected to the want of principle in this measure. By the Bill it was proposed to retain the county system of imprisonment in respect of debts below £50; but there was no power to touch a fraudulent debtor who owed £51, who might be a non-trader and have no available assets, so that he would not be made a bankrupt, and who yet might have resources which were withheld from his creditors, and upon which he might be living in affluence. This would be making one law for large debtors and another for the poorer classes, and he was certain the Bill would not give satisfaction by placing such a premium on roguery. The limitation of £50 ought to be removed, and, whatever the amount of the debt, the debtor ought to be liable to be summoned before a Judge, and then if it were proved that he had the power of paying the debt, or a portion of it, imprisonment ought to follow. He distinctly protested against the short time that had been allowed for the examination of a Bill, which, as it stood, would open the door to considerable fraud.

Mr. STAVELEY HILL said, he agreed with the hon. Gentleman who had just sat down in hoping that the Attorney General would not press the second reading of a Bill which had only just been placed in the hands of Members, and which contained provisions requiring much consideration. He did not, however, agree with the hon. Gentleman in his opinions respecting the 6th section. He hoped that section would be fully discussed before its principle was sanctioned. If there was one thing more than another which pressed hardly upon the working classes, it was the power of commitment possessed by the County Court Judges. It involved the loss of more labour, the wasting of more money, and the infliction of greater hardship than those who had not had practical experience or seen statistics on the subject could easily imagine. As the Bill also introduced an entirely new principle into our law—that of allowing persons accused to give evidence before a criminal tribunal—he trusted that the second reading would be a little longer delayed.

Mr. M'MAHON said, he hoped that the Attorney General would proceed with the second reading of the Bill, which really represented nothing more than a return to the old Common Law of the land. At the Civil Law a debtor might be arrested and sold in consequence of his inability to satisfy his creditor; and by one law if he owed money to several people, which he was unable to pay, his creditors might seize him and cut him up. But by the Common Law imprisonment for debt was a special Prerogative of the Crown and the King, who might, in satisfaction of a debt, seize the body, lands, and goods of his debtor. The whole system, as it now stood, of final imprisonment in satisfaction of debt was merely Judge-made law. He hoped that when they went into Committee on the Bill, a clause would be inserted repealing all the statutes on which the Judges had founded the right of imprisoning a man for debt. When arrest on mesne process was abolished shortly after the passing of the Reform Bill, it was then said that credit would be disturbed, and that traders would not be able to carry on their business. But those forebodings were purely imaginary, and in the same way he believed no evil would attend the good that must undoubtedly result from the abolition of final imprisonment. If, however, they allowed the rich man to escape under the bankruptcy system they ought not to permit the poor man to be liable to imprisonment; for, by so doing, they would certainly be open to the charge of having one law for the man in broadcloth and and another for the man in corduroys. At present the County Courts were converted into agencies for the collection of small debts, many of which were incurred by the wives of poor men in consequence of the importunities of traders. These debts were frequently left outstanding till the harvest season, when the creditors insisted upon payment or sent the debtors to prison, and the men so imprisoned were committed again and again unless they satisfied the harpies to whom they were indebted. In Whitecross Street Prison, he was told, the County Court debtors were imprisoned in something like the cages for wild beasts at the Zoological Gardens, while persons imprisoned for large debts were provided with all the luxuries to which they had been accustomed. All political economists, from Adam Smith to Mill, laid down that it was not for the interest of a State to encourage credit, and he believed that if they were to-morrow to abolish imprisonment for debt trade would be all the more flourishing, and men would be less tempted to embark in those speculations where their gains were their own and their losses their creditors'. He contended that unless a fraud or a crime were committed it was not the province of society to interfere, and if this interference were to cease both the trade and the morals of the country would benefit thereby. He trusted, therefore, that the measure would be proceeded with.

Mr. CANDLISH said, he did not agree with the hon. Member for Hull (Mr. Norwood) that the Bill made one law for the poor man coming before the County Court with a debt under £50, and another for the man whose liabilities were greater. The principle in both cases was the same; the procedure only was different. The Bill gave power to the County Court Judge to imprison if the debtor had been guilty of fraud, or, having the means, persistently refused to pay; whereas debtors in bankruptcy of upwards of £50 would have to take their trial before a jury in a criminal court. That was simply a difference in procedure. He believed that imprisonment in cases of fraudulent indebtedness was right, but that the man who was merely unfortunate should not be regarded or treated as a criminal. He trusted that the learned Gentleman would proceed with the measure, though there were one or two points which he should like to see altered. He would suggest that instead of referring, as in Clause 4, to other statutes the Act should be complete in itself. In Clause 10 there was a sub-section directed against the concealment of goods, and the onus of proving innocence was laid upon the person charged. In the next sub-section it was provided that if a man removed his goods from the premises he was presumed to be acting innocently in so doing, and the onus of proving him guilty lay upon those who charged him. Now, he could not see any good reason for this distinction. He could not see why in the case of concealment guilt should be presumed, while in the case of removal the presumption was to be in favour of the party's innocence. This measure, in connection with the Bill for amending the law of bankruptcy, was, however, a great improvement upon the present Bankruptcy Laws, and he thought the thanks of the whole commercial community were due to the Attorney General for having introduced this and the Bankruptcy Bill.

Mr. Serjeant SIMON said, that, while anxious to assist the Attorney General in carrying out the principle on which this Bill was founded, he thought that Section 6 was open to very serious objection, and not calculated to give satisfaction to any portion of the community. He had never been an advocate for imprisoning men merely because they had the misfortune of not being able to pay their debts. He would not imprison a man merely because he had been unfortunate; but, at the same time, he thought that there ought to be some protection for persons who, in the course of business, were obliged to give trust, and who without such protection might find themselves defrauded. Section 6 of this Act preserved to the

County Court Judges the power of committal in certain cases. He did not complain of the principle of the section, but what he did complain of was that it made a distinction between the rich man and the poor man, because the power of committal would only apply in cases where the debt was £50 or under. He did not see why the operation of the Bill should be thus limited. Why should the man who owed £50 or less be punished, and the man who owed £500 or £5,000 be allowed to escape with impunity? Provisions existed under the old Insolvency Law and the Bankruptcy Laws for meeting cases of reckless trading, and of persons who contracted debts without a reasonable prospect of paying. These provisions were to be withdrawn; the new Bankruptcy Bill confined the functions of the Judge in Bankruptcy to the administration of the assets; while the effect of this Imprisonment for Debt Bill would be to authorize, under certain circumstances, the imprisonment of persons who owed only small amounts. As the Bill at present stood the Attorney General was not faithfully carrying out his own principle with regard to the total abolition of imprisonment for debt. He proposed to punish the man who committed a fraud upon a small scale, whilst he allowed the man who committed it on a large scale practically to escape. He (Serjeant Simon) hoped the hon. and learned Gentleman would make the 6th section applicable to all classes of debtors. In that case he (Serjeant Simon) would give the Bill his support.

Mr. RATHBONE said, that the credit given under the protection of the County Courts was given with the idea of making those courts agents for the collection of small debts. A working man's wife was induced to incur a debt for an article which perhaps she did not really want, and then the County Court obliged the husband to pay. In another respect his constituents were of opinion that the Bill did not go far enough. It was no doubt a great improvement upon any previous legislation, because, to a certain extent, it supplied the want of a public prosecutor, directing the Judge in certain cases to order a prosecution. Now, if the Judges had done their duty under previous Bankruptcy Acts, and had carried out the law as it was meant to be administered, very different results would have ensued, but the most important provisions of those Acts were reduced to dead letters by the mode in which they were interpreted. What he now suggested was that, instead of leaving the prosecution of a fraudulent debtor permissive, it should be made compulsory. To undertake this disagreeable duty required an amount of moral courage which few men possessed. The Bill should therefore be altered so that a trustee should be required to report, and the Judge to order a prosecution in cases of fraud.

Mr. WEST said, he had come to the same conclusion as his hon. and learned Friend (Mr. Hill) had arrived at with regard to commitments for small debts. He trusted the hon. and learned Attorney General would give a candid consideration to the arguments which had been advanced in regard to the distinction between debts of £20 and debts of a greater amount. The 6th section would in his opinion require careful consideration in Committee, but he thought that the Bill might meanwhile be read a second time.

The ATTORNEY GENERAL said, he did not under-rate the importance of this question, and hoped no Member of the House would suppose that he intended to stifle discussion upon it. If, therefore, he asked hon. Members to allow the Bill to be now read a second time it was on the distinct understanding that there would be further discussion on going into Committee. Although as a whole the Bill had been favourably received, certain misconceptions seemed to prevail with regard to it, and he should like, if possible, to clear away some of those. The principle of the Bill was the abolition of imprisonment for debt, and he did not think it necessary at this time of day to enter into any lengthened argument on that point. The question, as he had before said, was almost concluded by authority. The Commission of 1832, consisting of a number of the Judges, had reported in favour of abolishing imprisonment for debt. The Report of the Bankruptcy Commission in 1842 was to the same effect; the Bankruptcy Committee which sat in 1864 and 1865 were also unanimous on the subject; and all the Bills introduced since that time—the Bill of the hon. and learned Member (Sir Roundell Palmer), and that of the Lord Chancellor last year, as well as the present Bill — were founded on the same principle. Imprisonment for debt, he would repeat, was not justifiable as a punishment, because it made no distinction between the innocent and the guilty, and, if it were meant to be an effectual remedy for recovering the debt, recent legislation had prevented it from being such a remedy, because, if a man were imprisoned for debt, he could not be kept in prison; he might get out on his own petition, or would be turned out by the Registrar in Bankruptcy. There was one important reason for abolishing imprisonment for debt, and this had not hitherto been dwelt on. Mr. Commissioner Holroyd, when examined upon this question, said—

> "The consequence of retaining imprisonment for debt in final process has been that a multiplicity of petitions for adjudication of bankruptcy on the debtor's own petition are filed where there are no assets whatever, and these are resorted to mainly, either for the purpose of being released from prison or to avoid being put into prison. In most of these cases a certain expense is incurred without the least utility to the creditors. The following are the number of cases where there were no dividends in the years 1862 and 1863, and, therefore, where there were little or no assets:—In 1862, 6,910 out of 9,663; in 1863, 5,630 out of 8,470."

It was upon the abolition of imprisonment for debt that he founded his proposal to put an end to adjudications of bankruptcy upon a man's own petition. It was a process which had been most pernicious, which realized no assets, produced no dividends, crowded the gaols, and was of no use to anybody. It was said—"If you abolish imprisonment for debt you ought also to abolish it in the County Courts." Now no one could suppose that he was favourable to any extension of the power of imprisonment in the County Courts, for he had given earnest of an opposite tendency by introducing a Bill for the limitation of that power, which had before been very much abused. He was not, therefore, too friendly to this power of imprisonment by County Court Judges, and he could only say that he should rejoice if the House could come to the conclusion in Committee that this power could be abolished without danger to the working of those courts. It was his duty, however, to lay before the House the reasons which had induced the Government to maintain this provision. In the first place, it was a mistake to suppose that the County Court Judges had the power of imprisoning for debt. They had only the power of imprisonment in the cases specified in this Bill, which re-enacted the existing law—namely, where it appeared to the satisfaction of the Judge that in incurring the debt which was the subject of the action the defendant obtained credit—

> "Under false pretences, or by means of fraud or breach of trust, or wilfully contracted the debt or liability without having had at the time a reasonable expectation of being able to discharge the same, or had, with intent to defraud his creditors or any of them, made or caused to be made any gift, delivery, or transfer of, or any charge on his property, or had with such intent concealed or removed any of his property."

And then there was another case in which imprisonment was allowed—where it was proved to the satisfaction of the Judge that the person contracting the debt had since the date of the order obtained against him the means to pay, but refused to pay. It was only in those cases that the Judge might imprison, and that was in the nature of a *quasi* criminal imprisonment. The Bill also limited to some extent the power of imprisonment, for it required that every order for imprisonment should be made in open court. This provision applied not to the County Courts, but to the Small Debts Courts, where orders were made by Registrars; and, further, the term of imprisonment for default in the payment of any one debt was limited to three months. He had received a deputation of County Court Judges, and had put it to them whether they could safely answer for the operation of the system if this power were abolished, and they replied that they could not. They observed that in reference to the orders of imprisonment not one in fifty really took effect, and that with respect to the class of persons appearing in the County Courts the possession of the power of imprisonment was absolutely necessary to insure the payment of debts. It appeared that in many cases men came into a County Court with the money they owed in their pockets, but refused to pay the debt until an order for imprisonment was made out. The power of imprisonment, he had also been informed, operated in favour of the labouring classes, for without its existence they would not be able to obtain credit, and in some cases credit with them was almost a necessity of existence. On these grounds the Government had not felt justified in abolishing this power, which was retained in the Bill, subject to consideration by that House. It had been observed that a distinction was drawn between the cases of the rich and the poor, but it should be recollected that in respect to the debts above £50 the bankruptcy law could be put into effect. The debtor could then be compelled to appear in the Bankruptcy Court, and to discover all his property, and if he did not do so his income could be sequestered, and himself made liable to penalties far more severe than any to which a debtor in a County Court was subject. The longest term of imprisonment which the latter could suffer under the sentence of a County Court was forty days, but a debtor for an amount above £50, if he committed offences of the same description, would, in the Bankruptcy Court, be subject to imprisonment for twelve months, and in some cases might be deemed guilty of felony, and be imprisoned for two years. However, these were matters for consideration in Committee, and if it should be deemed possible safely to withdraw this power from the County Court Judges he should be glad to do so.

Bill read a second time, and *committed* for *Monday* 19th April.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

SUPPLY—NAVY ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

(1.) £80,671, Victualling Yards and Transport Establishments at Home and Abroad.

MR. ALDERMAN LUSK said, he must take exception to the item for slaughtering and curing meat at Deptford Dockyard for the Navy. He objected to the system as carried on there. Government, as a rule, were not successful manufacturers, and in this instance they could not be fortunate. They went to the dearest market in the world—namely, the metropolitan market—whereas they might get better and cheaper meat in Ireland, in America, and at Hamburg. They entered into competition with all London, and the consequence was that they paid, as shown by a Return he held in his hand, £10 a tierce for beef, though the same quality for the last five or six years had been obtained by other persons for £6 to £7 a tierce. Government could get plenty of salt beef to purchase by contract as they did salt pork. In reference to preserved meat, which they also manufactured, they were equally at fault, as it cost nearly a half more than the Australian meat, for example. The Duke of Edinburgh had given a testimonial to the Australian merchants that this article was exceedingly good. A great quantity of it had gone into consumption in this country. Not less than 380,000lbs of it had been sold in Birmingham alone in one week lately. But he particularly referred to the Scotch preserved beef, which was the best, and might be had at 7*d*. or 7½*d*. per pound, while that made at Deptford cost 11*d*. The Government said the beef preserved at Deptford was better; but he was told that in point of fact it was inferior to that preserved by private firms. Those who were engaged in business, having to provision ships of their own, very well knew the best market to go to for the goods they wanted, and they were not to be pooh-poohed by those who had only a theoretical knowledge. Let the Admiralty go into the open market and buy by tender goods of the description they wanted, just as they did in the case of salt pork. A Government officer could surely survey the goods if he could manufacture, although there were instances in which it was said that what had been rejected at Deptford was sent to Haulbowline and passed there. He hoped this matter would be thoroughly looked into, for he was quite sure £20,000 or £30,000 a year might be saved by going into the open market and purchasing by tender.

LORD JOHN HAY said, he was very grateful to his hon. Friend for having introduced this subject. The Admiralty had for some time been giving considerable attention to it, and it was due to the late Government to say that they had taken an opportunity some time ago of obtaining a quantity of preserved meat in order to try whether the use of it would be of advantage to the public service. But his hon. Friend said—and in this he did not agree with him—that they ought to take his advice, being in the line of business—that they, not being men of business, ought to take the advice of those who were. It should, however, be remembered that they represented not only those who paid for the provisions but those who consumed them. At the same time he had no doubt great advantage would result from the introduction of a certain portion of preserved meat into the Navy. With that view they had asked for tenders in the course of the present year for a very large amount, about 200,000lbs, but from some little misunderstanding as to the conditions it had been thought advisable to put the matter off. They proposed to call for tenders for perhaps a still larger amount, if it could be had of a sufficiently good description for the Navy and on terms that would offer the advantages anticipated on the score of economy. His hon. Friend seemed to be under the impression that they had always been manufacturing salt meat in the Government yards. But that was a great mistake. They began to manufacture salt meat at Deptford in 1863, or rather in 1861, and it was begun because they found they were unable to obtain meat of sufficient goodness and to last good a sufficient time by the very process which his hon. Friend now recommended. The loss in boiling down the salt meat between 1861 and 1863, when the meat was cured by contractors, was about 4 per cent; since then the loss was only a trifle over 1 per cent. He did not say that was conclusive—he did not say they might not buy conveniently and advantageously for the public interests. There was something to be said on both sides. They were considering the matter with very great care. They had found no reason to change the present plan; but, following out the policy indicated by the late Government, they were quite disposed to experiment on the subject, believing that, if they succeeded, a considerable sum of money might be saved.

SIR JAMES ELPHINSTONE said, he agreed in the opinion that there was a great advantage in the curing of their own meat for the Navy, although it might entail a greater cost to the Admiralty, because such meat would probably remain good for consumption for three or four years. There was, no doubt, now a great improvement effected in the preservation of Australian meat; but, though it might prove excellent for short voyages, he must strongly protest against it being used in ships that were proceeding to the Pacific or other long voyages—where there would be no opportunity of changing them with any provisions except those cured at the Government yards.

MR. ALDERMAN LUSK reiterated he was quite sure they would get excellent American beef, as good as they prepared at Deptford, for £3 less per tierce than the Government could produce it.

SIR JOHN HAY said, he concurred in what had been said by his noble Friend (Lord John Hay) on this subject, and he was glad to hear that the present Board of Admiralty were not going to obtain the meat for the Navy entirely by contract. The necessity for the adoption of the system of curing their own meat at Deptford was occasioned by the very inferior quality of meat which had been furnished to the Navy by the contractors. According to the Report of the Committee that had investigated the subject it appeared that the meat furnished by one contractor named Goldner was extremely bad; on many of the tins being opened their contents were, in many instances, found to be wholly unfit for human food. The process of preserving meat for the sea service ought to be carried on with the greatest care, because the food of the sailors was taken to the most distant parts of the world, where there was no means of obtaining other provisions for use at sea, and the men would either starve or contract scurvy and other diseases if the Admiralty sent them to sea with unwholesome provisions. An hon. Member remarked that fresh fish would be a good substitute, but he had always found that fish were not particularly anxious to be caught when wanted at sea, and neither would the hon. Member if he knew he were wanted as a substitute for preserved meat. He, therefore, did not think that the Board of Admiralty ought to trust to fresh fish or to articles furnished by contractors, because it was almost impossible to investigate closely the quality of such articles on their receipt.

MR. CHILDERS said, he did not know anything that would disgust a sailor with the service more than supplying objectionable provisions. Any change, therefore, in the victualling arrangements must be tentative. The quantity of meat preserved both at home and abroad was much greater now than formerly, and it was, he believed, true that some of the finest meat could be procured from Australia and elsewhere at a cost on the spot of a third of that for English meat. Delivered here the difference, of course, would not be so great.

If the investigations which were now being made were successful the Committee might look for a considerable diminution in Vote 2, and also partially in Vote 17.

Vote *agreed to.*

(2.) £54,757, Medical Establishments at Home and Abroad.

Mr. CORRY said, he could not allow this Vote to pass without congratulating the First Lord of the Admiralty on the discrimination he had shown in appointing Inspector General Armstrong to be Director General of the Medical Department of the Navy. He felt bound on public grounds to say he believed that this appointment would be conducive to the best interests of the Navy.

Mr. CHILDERS said, that having little personal acquaintance with the senior naval medical officers, and as he had been glad to have the opinion of civil medical men as to the organization of the hospitals, he had taken three months to make this appointment. He was glad to hear the testimony borne by the right hon. Gentleman to Dr. Armstrong's claims.

Vote *agreed to.*

(3.) £16,566, Marine Divisions.

Sir JAMES ELPHINSTONE said, he wished to know what were the reductions made or contemplated by the Admiralty? The large discharge of officers at forty-eight hours' notice had been productive of the greatest alarm and hardship. The officers on so short a notice had had no means or power of providing for themselves.

Mr. CHILDERS said, it was unnecessary to repeat the explanation he had given on Vote 1, but he would remind the Committee that in 1867 a reduction of 200 men in round numbers, and an increase of twenty-three officers, was made. In 1868 there was a further reduction of 1,700 men and no reduction of officers. In 1869 he found an Admiralty arrangement for the reduction of 700 men, and it was left to him to reduce the number of officers. He had, therefore, been obliged to provide in round numbers for the reduction of 100 officers, besides refusing, at present, commissions to those who had passed the examination a few days before he took Office. That was a very painful and disagreeable task, and he could not understand how it happened that when the reduction of 1,700 men was made last year the proper reduction of officers was not made. However it was not done, and he had to do it. The way in which the reduction of the corps had been effected was by breaking up the Woolwich division, and by incorporating the officers and men, as far as possible, with the remaining three Light Infantry divisions, and by transferring some to Deal. The officers were disposed of as follows:—In the Royal Marine Artillery one lieutenant-colonel, two captains, and two second captains were placed on reserved half-pay. Two lieutenants, at their own request, were also put upon reserved half-pay. In the Infantry one colonel-commandant retired on full pay; one colonel second commandant received the command at Deal; one lieutenant-colonel and three captains retired on full pay. Three lieutenant-colonels, twenty-five captains, and thirteen second captains were placed on reserved half-pay. Twelve lieutenants, at their own request, were also placed on reserved half-pay. The remaining lieutenants were borne as supernumeraries on full pay. No officer below the rank of second captain had been placed upon half-pay. He had been as moderate as the circumstances of the case admitted in the reduction of officers, and he had been as tender as possible in the arrangements he had made. With respect to the officers transferred from Woolwich, he had done what he could to give them some allowance for their houses. He did not know that it was in his power to do more.

Mr. CORRY said, he had arranged all the details as to the reduction of officers, and if his official existence had been spared a few weeks longer, his plan would have been carried out by an Order in Council. He was, however, cut off in the middle of his career, and the work was, therefore, necessarily left for his successor.

Mr. CHILDERS said, he did not blame the right hon. Gentleman in respect to the officers who had to be retired this year, but only as to those who ought to have been retired last year when the reduction of 1,700 men was made, and also for nominating young gentlemen for commissions when there were so many superfluous officers. There was, therefore, an accumulated reduction of officers necessary for two successive reductions of men.

Vote *agreed to.*

(4.) £801,572, Naval Stores.

Mr. CANDLISH said, he wished to ask what securities the Government had to offer that the sum asked for would not be exceeded at the end of the financial year; and whether the Estimates submitted under Vote 10 for the year ending 1868-9, had or had not been exceeded. He would call attention to the immense discrepancy between the estimated amount and the sum actually expended under this Vote for 1867-8. A statement had been put in the hands of hon. Members of the savings and deficiencies upon the grants for Navy services for the year ended March 31, 1668. One of the items, for paint materials, oil, pitch, tar, tallow, and other miscellaneous articles, was estimated at £187,194, while the actual expenditure was £229,654, or an excess of no less than £42,460, or 22½ per cent. A note appended to the Estimate stated that this excess was due to a larger purchase of miscellaneous stores than had been anticipated, and to a rise in the price of oils and materials in the market. As far as any unforeseen rise in prices went, the excuse was valid, but it was the business of the Department to anticipate accurately the wants of the year. For coals, in like manner, the Estimate was £207,531, and the actual expenditure £345,520. Of that amount £36,000 apparently were paid for coals sent out to the Cape of Good Hope for the transport service connected with the Abyssinian Expedition; but, after deducting that amount, there was still an excessive expenditure of £101,409, or 50 per cent on the sum voted by Parliament. The note to the Estimate again explained that the purchases on foreign stations had greatly exceeded the anticipations formed at home as to their probable requirements; but it was the duty of the Department to be as well informed about the probable wants upon foreign as upon home stations. The total sum granted by Parliament upon the 1st section of Vote 10 was £855,511, and the total expenditure under the same head amounted to £1,085,926, being an excess of £230,415, or 27 per cent on the sum voted. On the 26th of March, 1868, application was made to the Treasury by the Lords of the Admiralty, setting forth that from Reports received from the Storekeeper and Accountant General of the Navy there was reason to believe there would be an estimated excess of £100,000 on Vote 10, section 1, and also some minor excesses. The Treasury was accordingly asked to authorize a Supplementary Estimate for £111,000; but were, at the same time, informed that no material alteration was to be expected in the other Votes. That official letter was dated the 26th of March, just before the close of the financial year. But only five days later this excess of expenditure, which was officially placed at 111,000*l.*, had grown to 230,000*l.* Upon the whole of the Navy Estimates, there appeared to be an excess of £366,000. He wished to ask his right hon. Friend the First Lord of the Admiralty what explanation could be given of these circumstances—whether there was any reason to apprehend inaccuracies of a similar nature in the Estimates for the year 1868-9, and whether any guarantee could be given that the present Estimates would not be subject to a similar expansion in actual expenditure?

Mr. CORRY said, that although the Estimates were prepared before his appointment to the Admiralty, yet, as he held the office of First Lord during the year in which the considerable deficiency referred to had accrued, he should like to give some explanations respecting it before the right hon. Gentleman the First Lord of the Admiralty replied. The Admiralty always laboured under this difficulty that they never knew actually how they stood till the expenditure during the financial year on foreign stations was brought to account; and in the year 1867-8 a combination of unforeseen events most unfortunately frustrated their calculations. Exclusive of the expenditure on account of the Abyssinian Expedition, the total excess amounted to £366,545, the whole of which had arisen from circumstances which the Admiralty could not by any possibility control. Upon Vote 2, where an excess of £97,000 was shown, he had calculated upon a saving of £28,000, in consequence of the smaller number of men borne than voted. Of this excess no less than £35,000 was owing to the rise in the price of flour for biscuit. Moreover, for the first time, and as an experiment, soft bread had been issued as a general ration to the ships' companies in port in lieu of biscuit; it could not by any means be foreseen how they would like the change; but the men liked it so well that, instead of so much biscuit being left and entered as savings—which were purposely fixed at rates considerably below the cost prices—when soft bread was issued they ate the whole of it, and this made a difference in the figures of £16,000. A rise in the price of rum accounted for £4,791; stores purchased for the War Office, but not taken off the hands of the Navy and paid for during the year, occasioned a deficiency of £4,053. The new rations of preserved meat, issued, for the first time, in lieu of salt beef, were found so palatable that the men ate whole of them instead of leaving, as they had done in former years, meat to the value of £38,000. In all these matters the Committee would perceive that the Department had really nothing to guide them. The sums which he had enumerated made up £97,844, the excess upon this Vote being £97,058. He came next to the excess of £48,918 upon Vote 6. This excess had been foreseen and authorized by the Treasury under these circumstances—In the course of the autumn the department of the Controller represented to him that upwards of £50,000 of the Vote for building contract ships would remain unexpended, principally owing to the late period at which the contracts had been taken up. Being very much dissatisfied with the state of the reserves of ships in the ports as he found them, and having then no reason to expect that there would be an excess of expenditure under any other head, he wrote to the Treasury, and obtained their sanction to apply this estimated surplus, under Vote 10, section 2, the greater part to the hiring of temporary artificers in the dockyards for the purpose of expediting the ships being brought forward for the reserves, especially the iron-clads, and the remainder towards building the *Active*, a sister corvette to the *Volage*—a class of ships in which the Navy was very deficient. He had explained this in moving the Navy Estimates last year. Unfortunately it so happened that, from causes which again could not be foreseen, the saving which was anticipated under Vote 10, section 2, did not accrue. The admiral on the station, without authority from home, expended a large sum in repairing gunboats in China. This was a system not to be encouraged; but, at the same time, it ought to be remembered that the admiral was sent to a distant station to protect commerce amounting to the value of £100,000,000 a year, and if any considerable number of his ships proved unfit for that duty without extensive repairs, it was not unnatural that he should undertake the responsibility of putting them into serviceable condition. This sum of £49,000, therefore, instead of being recouped from Vote 10, section 2, remained as an excess under Vote 6. On Vote 10, section 1, there was a gross excess, exclusive of the Abyssinian excess, of £193,915. The first item of this excess was on account of some pitch pine delivered in 1867, under a contract which had been entered into some years before, but the execution of which had been delayed in consequence of the Civil War in America, and the blockade of the ports of export. When the ports were reopened at the close of the war the contractors proceeded to fulfil their engagements, and the Law Officers of the Crown having given the opinion that the contract still remained in force, the Admiralty was compelled to receive the pitch pine, and had thus to pay unexpectedly the sum of £11,100 in excess of the Estimate for the purchase of stores. The next item of the excess was £14,500, in consequence of the rise in the price of oil, while the excess of £80,915 was due to an unexpected expenditure of coals and other stores—chiefly on the China station. This was occasioned by political events of great magnitude which occurred in Japan during the course of the year, and led, as the Committee was aware, to a civil war. At the urgent request of the British Minister, Sir Henry Keppel proceeded from China to that part of his station with the greater portion of the force at his disposal—including his flag-ship the *Rodney*—the *Ocean* (an armour-clad), and several corvettes. Other nations, including France and America, Portugal, Holland, and Spain, also collected a considerable force in Japan, the whole amounting to no less than twenty-seven pendants. The unforeseen employment of so many of our ships at a distance of nearly 200 miles from their depôt of stores, necessitated large purchases of coals—more especially in Japan—at exorbitant prices, and to this cause the greater part of the excess is attributable. An excess of £25,930 on Vote 14 was occasioned by the Government having to pay damages for the sinking of the *Osprey* by the *Amazon,* which was not known when the Estimates were under preparation. On Vote 17 there was a total excess of £84,000, composed of £50,000 for the carriage home of troops from New Zealand provided for in 1866-7, but not expended until the following year in consequence of the troops having been unexpectedly detained in the colony; £10,000 for the naval proportion of the charge for the *Crocodile* and *Serapis,* troopships, under the arrangement entered into between the Imperial and the Indian Governments subsequently to the period when the Estimates were prepared; £15,000 for arrears of old War Office claims standing over for many years, but which had been brought to a settlement in consequence of changes effected in the system of accounts. There was also £9,000 for expenses incurred under the recent arrangement for landing of Indian troops intended for the western districts, at Plymouth, which necessitated the establishment of a second depôt at that port, for the special descriptions of provisions with which troop-ships are supplied. It would be seen that the figures he had enumerated amounted to within £3,000 or £4,000 of the total excess over the Estimates. On the other hand he had anticipated that savings on the Estimates under Votes 1, 2, and 11 would have amounted to something like £100,000, but in the place of there being that sum in hand at the close of the financial year there was, he was sorry to say, a balance the other way of £366,575. That, of course, was the amount of the difference between savings and deficiencies, and among the latter there was an excess of £55,000 above the Estimate for the purchase of "miscellaneous stores." That item provided, among innumerable other articles, for the purchase of metal fittings for gun carriages made in the dockyards, slides, racers, and for armour-clad ships themselves—nearly the whole of new types and patterns, on which it was absolutely impossible to calculate with any degree of accuracy what the expenditure would be. This item was usually exceeded, as it was the practice to keep the Estimate low, with the view of discouraging expenditure as much as possible. He thought he had shown that the excess had resulted from causes which could not have been foreseen at the time when the Estimates for the year were prepared.

Mr. CHILDERS said, that not having been concerned in any way with the preparation of the Estimates for the year 1867-8 he could add but little to what had fallen from the right hon. Gentleman opposite upon this subject. He could, if necessary, have verified most of the right hon. Gentleman's statements. One considerable item of the excess arose from the increase of the expenditure at the dockyards at the end of 1867. In October, 1867, the right hon. Gentleman engaged 2,000 additional men in the dockyards, and in the following March he discharged 5,000 men from them, a course which he (Mr. Childers) felt bound to say, was intimately connected with the distress now existing among the dockyard labourers. It would have been far better to have spread that additional outlay over two years than to have expended it in the short space of six months. An hon. Member near him (Mr. Candlish) had inquired whether the Votes of 1868-9 would be exceeded, and particularly whether there was any security that Vote 10 would not be exceeded. As a question of fact he was not in a position to state definitely the exact condition of Vote 10, because the expenditure under that Vote was dependent so much on the action of officers on distant stations. He did not think that the expenditure under that Vote, under the former system, under satisfactory control. The whole of the expenditure in the first part of Vote 10 would be in future distinctly under the responsibility of the Controller of the Navy, a reform which he believed would be a very useful one. He could not, however, at the present time, accurately give all the particulars he would wish to give respecting this Vote, because the information received from distant stations respecting the stocks and issues of stores was not wholly satisfactory. He and his hon. Friend the Member for Montrose (Mr. Baxter) had, however, been endeavouring by all means in their power to procure precise information on that head, and they hoped to be able at a future period to control expenditure for stores both at home and abroad more effectually than was now practicable. No little economy might be effected in the purchase, custody, and sale of stores, and he trusted that when the new arrangements were matured there would be a decided improvement in the construction of Vote 10.

MR. ALDERMAN LUSK said, he should be glad to have some explanation as to why they were called upon year after year to vote much larger sums for the purchase of timber, anchors, cables, and cordage than were actually required, and what became of the surplus. The sum taken last year for cables was £150,000, the quantity issued, £24,000; for anchors, £182,000, quantity issued, £25,000, and he gave many other similar instances.

MR. CHILDERS said, that in reply to his hon. Friend he could only repeat that he and his Colleagues had taken very great pains in preparing this Vote, and that, considering the short time they had to deal with it, they had already effected very considerable reductions. It was not intended to buy a single ounce of oak timber this year, and only £10,000 worth of teak would be purchased. Neither was it proposed to buy any new anchors during the present year. The supply of canvas about to be bought would be much less than formerly, but the supplies of hemp, yarn, and cordage would be placed on a more satisfactory footing.

MR. SAMUDA said, he wished to ask what would be done with the very large stocks of timber which must have accumulated in the dockyards which were to be suppressed? In his opinion considerable reduction in the Estimates ought to be effected by transferring those stores to other yards where timber was required. He was doubtful whether at least £12,000 worth of timber would not be found in the dockyards, and his impression was that there was a considerable quantity at Woolwich. He quite concurred as to putting the stores under the control of the same officer who took charge of the building, and thought great advantage would result.

MR. CHILDERS, in reply, said, that most of the stock of timber at the yards which were to be suppressed had been used up. There was but a very small quantity of teak timber at Woolwich—not more than 100 loads.

Vote *agreed to.*

(5.) £767,070, Steam Machinery and Ships built by Contract.

MR. SAMUDA said, he thought the reduction of the sum set apart for experimental purposes from £12,000 to £2,000 was very injudicious. In these days of new projectiles, new guns, and new modes of covering vessels with armour it was necessary to make a large number of experiments at Shoeburyness to see how those inventions were likely to answer; and yet they were placed in the position of giving up all, or nearly all, the valuable information to be obtained in that way for the sake of a matter of £10,000. That he could not regard as at all a wise economy. Again, while that item had been largely decreased, there had been an increase from £2,000 to £8,000 for the inspectors who superintended the building of contract ships. That was 5 per cent on the cost of construction. This year they were to pay only £161,000 for ships built by contract, against £435,000 paid last year, and yet the cost of inspectors was quadrupled. This was a matter which required explanation.

MR. CHILDERS said, the reduction in the Vote for experimental purposes did not proceed from motives of economy. That Vote had fluctuated up and down from year to year perhaps more than any other Vote in the Navy Estimates; and in the present financial year they did not look forward to its being necessary to spend much in experiments. The cost of the experiments on guns at Shoeburyness did not fall upon the Admiralty, but on the War Office. [MR. SAMUDA said, he believed the cost of the targets fell on the Admiralty.] The cost of the targets was only a small part of the cost of experiments. As to the increase from £2,000 to £8,000 for the superintendence of ships building by contract, that was only an apparent, not a real, increase, because formerly the salaries of those officers were borne on other Votes. He did not understand what his hon. Friend meant by the item of £161,000, The Vote for ships building by contract was £420,000, and for engines, £295,000; in all, £715,000; on which, £8,000 was a little over 1 per cent.

MR. CORRY thought that it would not be an inconvenient moment for him to say a few words on the subject of our foreign squadrons. In the speech made by his right hon. Friend (Mr. Childers) two years ago on that question he assigned only one corvette and one small vessel for the service of Japan, and that alone would have been sufficient to satisfy him how ill-considered the whole scheme of the distribution of our ships on foreign stations, as then proposed, had been. Such a force was obviously insufficient for the protection of British interests in a country strongly averse from communication with foreign Powers, with which we had treaty rights to maintain, and the internal affairs of which were then, and still continued to be, in a very unsatisfactory state. Soon after his right hon. Friend spoke, a civil war broke out in Japan, and the presence of no less than twelve of the vessels of Sir Henry Keppel's squadron, and of fifteen vessels belonging to other nations, was deemed necessary to the security of commerce, and of the lives of those engaged in it, and of the ministers and consuls representing the various Powers. For himself he greatly regretted that the chief reduction proposed to be made by the Government in our foreign squadrons would fall on the China station—the foreign station on which of all others it was perhaps most important that the strength of our squadron should be maintained. It was now proposed to reduce the naval force there from thirty-four ships to twenty-five, and the men from 4,000 to 2,800. He was surprised to hear that the Foreign Office concurred in any large reduction of the squadron in China, because our ministers and officers in those distant quarters had always written home in a very different sense. On what authority was the proposed reduction based? Certainly not on that of Sir Henry Keppel, for he had asked for more vessels just before he (Mr. Corry) left the Admiralty; neither on that of Sir Harry Parkes, for on January 30, 1868, Sir Harry Parkes wrote that the force in Japan was not larger than usual—namely, one ocean iron-clad, four sloops and three gunboats; making together eight ships, in lieu of the two which his right hon. Friend proposed to keep there. Sir Harry Parkes added that "the United States had four heavy vessels, and France one frigate and four corvettes, so that it would be seen that the force maintained by those two other Governments was not generally dissimilar to our own." In the month of February, 1868, Sir Harry Parkes wrote to Sir Henry Keppel in these terms—

Mr. Corry

> "I think it is my duty to represent to you the importance of Her Majesty's naval force in this country (Japan) being maintained at a standard of not less than six or seven effective vessels, in which I do not include gunboats. We have already six points to protect—Osaka, Hiogo, Nagaski, Yedo, Yokohama, and Hakodadi."

In July last, Sir Henry Keppel wrote thus—

> "The protection of our vast trade, the suppression of piracy, and the large number of consular ports in China and Japan render it apparent that the number of pendants cannot well be less than at present."

And in a more recent letter Sir Henry Keppel referred to the unsettled state of affairs and the necessity of maintaining, and even adding to, the strength of the squadron. He confessed therefore that he was surprised to find his right hon. Friend proposing to reduce, by something like one-third, the whole force in that part of the world, with which we had an enormous trade, which, as well as the lives of those engaged in it, would be exposed to great peril if not properly protected. With regard to the flying squadron, he wished to know what the intention of the Government on that subject was. It was doubtless important that our crews should be taught evolutions and seamanship as they already were in the Channel and Mediterranean squadrons; but at the same time there were objections to a flying squadron. He believed that squadron would be composed of some of the finest ships in our Navy, and he should like to know where, in the case of emergency, they were to be found—on this or the other side of the Cape, in the Atlantic, in the Pacific, or where? When the Russian War broke out the Government of the day was able to recall the Channel squadron, then commanded by a gallant relative of his own, and cruizing in the Atlantic, without delay; because there was an appointed rendezvous where it was to be found; but this would be impossible in the case of an expedition circumnavigating the globe. Our officers and men, he believed, would derive more advantage from the actual work on a station than by going on a sort of excursion all round the world. Wars now-a-days were finished in a single campaign—as, for example, that against Abyssinia and other recent wars — and if our squadrons were reduced down to starvation point, and a sudden emergency arose, how was it to be met by a flying squadron, which would, probably, be everywhere when it was not wanted, and no where when it was? The advantage of having a few ships to spare on the several stations was strikingly illustrated in the case of Abyssinia. We had no reserve of ships at home, but we were fortunately able to reinforce the East India squadron by four ships from other stations. One of these was commanded by the late lamented Captain Edye, and it was not too much to say that it was more than doubtful whether the war could have been finished in one campaign, if it had not been for the skill and the energy displayed by him in the landing of troops and stores, and obtaining a supply of water. Millions may thus have been saved. Again, the moral effect of a flying squadron would be absolutely worthless; and the sight of a single pendant, flying, in a port where British honour had been insulted, or British interests endangered, even from a gunboat, would be more efficacious than a fleet of armourclads, to be found Heaven knew where. He wished therefore to know what the intentions of the Government were with respect to the flying squadron, and what was to be the composition of that squadron? He would now turn to another point, although one which was intimately connected with the maintenance of our squadrons abroad. The late Government had been much blamed, during the Recess, for building unarmoured vessels, but the present Government ought to be much obliged to their predecessors for what they have done; because, without it, the reduction in the present Estimates could not possibly have been made. He would give a few figures which would vindicate the policy of his right hon. Friend the Member for Droitwich (Sir John Pakington) and show that it would be absolutely impossible to maintain even such squadrons as the right hon. Gentleman opposite proposed but for what had been done by his right hon. Friend when at the head of the Board of Admiralty. He found that in seven years, from 1860 to 1866, there were either sold or broken up 244 unarmoured ships, of which 139 were steamers—namely, seventeen steam frigates and corvettes, thirty steam sloops, and ninety-two gun-vessels and gunboats. During the same period only twenty three unarmoured ships had been built and converted—namely, seven frigates and corvettes, nine sloops, and seven gun-vessels and gunboats. But that was a very imperfect representation of the state of things in 1866, because his right hon. Friend knew very well what the condition of the remaining unarmoured steam vessels was, and that a large number of them were so unsound that they never could be again put into commission. In addition to the 139 steamers removed between 1860 and 1866, no less than fifty-five steam vessels, exclusive of line-of-battle ships—which he excluded as they were considered obsolete—were also removed up to last Christmas, when the late Government resigned—namely, ten frigates and corvettes, seven sloops, and thirty-eight gun-vessels and gunboats. But that was not the whole story, because before he left Office he called for an account of the number of effective unarmoured vessels we had on the list, with the number estimated to be worth repairing, again, exclusive of line-of-battle ships, and he was informed by the Controller's department that of the older steam vessels of all classes, built before 1860, there were seventy-nine above the rank of gun-vessels—namely, thirty-one frigates, twenty-one corvettes, and twenty-seven sloops, but of these only one-half, or, say, forty were repairable; of twenty-five gun-vessels, only one-third were likely to be repaired; and of seventy-three gunboats only ten were in a state to be again commissioned. Therefore, exclusive of line-of-battle ships, only fifty-eight of the old unarmoured vessels remained in a state fit to be re-commissioned. If to these were added the twenty-three built between 1860 and 1866, and the forty ordered to be built by the late Government, that would give a total of 121 unarmoured vessels fit for service in two or three years from the present time. Now, as his right hon. Friend opposite proposed to maintain sixty-four in commission, exclusive of the two largest stations—that of the Mediterranean and that of North America—and as no more than one-third could be in commission at the same time, because the rest would be either going out as reliefs, or would be under repair or fitting for service, he would like to know how his right hon. Friend could maintain his squadrons had it not been for the policy of the right hon. Baronet the Member for Droitwich? That was a most complete vindication of his right hon. Friend's policy, because, if he had not built those forty unarmoured ships, it would be absolutely impossible for his right hon. Friend opposite to maintain his squadrons even at the reduced standard which he proposed to maintain them. The right hon. Gentleman the Member for Halifax (Mr. Stansfeld), had said that the unarmoured vessels built by his right hon. Friend the Member for Droitwich (Sir John Pakington) were small, weak, slow, ill-armed, worthless. It was true many of them were small, but if they had not been small they would have been worthless for their purpose, as they could not have gone up the rivers in China where their services would be required; and so far from being weak and ill-armed, they were very powerful vessels and carried 6½-ton guns, that is to say the heaviest guns carried by corvettes of the largest classes. He thought, therefore, that the policy of his right hon. Friend, instead of deserving the uncourteous remarks that had fallen from right hon. Gentlemen opposite, should have met with much better treatment, and that his right hon. Friend, himself, and the late Government were entitled to the thanks of the First Lord of the Admiralty for having enabled him, by their policy, to effect a reduction in the amount of the Navy Estimates, which no minister could otherwise have ventured to propose.

Mr. CHILDERS said, that if his right hon. Friend had been good enough to give notice that he was going to discuss this subject, which was hardly germane to the present Vote, he should be in a much better position to answer the questions he had put; but he should try off-hand, with the Papers he happened to have with him, to give the best explanations in his power. His right hon. Friend spoke of the China station, and complained, that two years ago, he (Mr. Childers) proposed to keep only two ships in Japan; and having made that assumption he compared that small force with the squadrons kept there by other countries at this time. He was speaking now from memory, but he thought the number of ships he and his right hon. Colleague (Mr. Stansfeld) proposed, without any official knowledge whatever, but only tentatively, and with much caution, two years ago for the whole China station,

was seventeen or eighteen, and the number they proposed to keep on the China station now, including harbour ships, was twenty-five. Whatever he might then thought enough for Japan, we certainly now proposed to keep there more than two ships. On the whole station there would be twenty-five ships, with from 2,700 to 2,800 men, as contrasted with the 4,000 men which was the programme of his right hon. Friend last year. Then his right hon. Friend said that he did not understand how the Foreign Office agreed with the Admiralty in that proposal. He was not responsible for the late Foreign Office, but he could speak for the present Foreign Office, and say that the arrangements were entirely in accordance with their views, and that he and Sir Sydney Dacres had taken great care in concert with the Foreign Office, to determine the exact force for the China station. He thought his right hon. Friend was entirely in error as to the force kept in Asiatic waters by foreign nations, for it appeared, from the latest Report of the American Secretary to the Navy that the United States had on the Asiatic station at the present moment eight ships and one store-ship, nine in all, as compared with the twenty-five which we kept there.

Mr. CORRY: I said that the American Government had five vessels in Japan.

Mr. CHILDERS said, they had altogether nine vessels on what was called the Asiatic station, whereas we had twenty-five, or taking all in Asiatic waters, thirty-one. Then his right hon. Friend came to the flying squadron, and asked for information about it. First of all his right hon. Friend said he assumed it would consist of some of the finest ships in the fleet, which was the case, but then he asked how was the Admiralty to know where the squadron was, supposing it was wanted on any occasion. His right hon. Friend must be aware that before any such squadron was sent off, very careful arrangements would be made with the aid of the Hydrographer of the Navy, by which it would be known to the Admiralty at what point the squadron ought to be at certain dates; and it could be communicated with accordingly. His right hon. Friend doubted whether flying squadrons were good for the Navy, and was of opinion that both vessels and men would be better trained if they were kept on foreign stations, as they were now. But there were but few naval officers who shared in that opinion. The almost universal opinion of naval men, especially those in command at present, was that to keep our fleet, as it was now kept, in foreign harbours, might, as his right hon Friend said, make our officers good diplomatists—possibly a little too good, but would not make them good sailors. He had said in opening the Estimates that one of the faults he was bound to find with the present state of our Navy was, that while our officers were most gallant and zealous —there were none better in the world— they stood in need exactly of that kind of training which a flying squadron would give them. His right hon. Friend had also referred to speeches made in the Recess, and had remarked with reference to them that some want of courtesy had been shown to the right hon. Member for Droitwitch, a remark which he would probably have withheld had he reflected. Speaking for himself, he was unconscious of having alluded to the right hon. Baronet in any but the most respectful terms. It was true he had once or twice had occasion to comment upon the policy of the late Boards of Admiralty; and in doing so he had expressed the opinion, which he did not hesitate to repeat, that it was a mistake in 1866-7 suddenly to build a very large number of unarmoured ships when part of that money would have been much better appropriated to building armoured ships. It was a mistake, also, suddenly to discontinue building unarmoured ships and to commence building a large number of armoured ships, spending much more money in a few months than Parliament had voted, and then suddenly to discontinue that work also. All this work should have been spread over several years, and that would have prevented suddenly taking on 2,000 men and afterwards discharging 5,000, a proceeding which had produced a great deal of the existing dockyard distress. It was these sudden fits of building and stopping which had caused all the mischief. He had objected to this policy in 1867, and again in 1868, and he had only renewed his objection during the Recess. Such vacillating policy had largely contributed to the discharge of numbers of men in the early part of last year, and to the consequent distress so often lamented in the House.

Mr. LIDDELL said, before the Vote was agreed to, he trusted the Government would afford them some information respecting their relations with China. He wanted to know whether it was necessary to keep twenty-five ships and 2,000 men in China waters? England had entered into treaties with China and carried on a large and valuable trade with her; it then became the duty of the Chinese Government to protect that trade against pirates. If our representatives in China could not by mere diplomatic action insure the due observance of our treaties, it was quite time our relations with China were put upon some different footing. If we were to maintain our treaty rights in China by force of arms, we should never be safe from war.

Sir JOHN PAKINGTON said, he would not have risen but for the remarks of the First Lord of the Admiralty on the policy of the last Board, in 1866-7, which he had characterized as vacillating.

Mr. CHILDERS said, that in using the word vacillation he had alluded to the period between October, 1867, and June, 1868, when the dockyards were first increased by 2,000 and then reduced by 5,000 men.

Sir JOHN PAKINGTON said, he understood, then, that the charge of vacillation was preferred against his right hon. Friend (Mr. Corry), but, as he had taken part in the preparation of the Estimates, he did not shrink from sharing the responsibility of the policy then adopted—on the contrary, he thought it a sound and wholesome policy. Without bringing any charge against the Admiralty that was in power before 1866, he must remind the Committee that soon after taking Office he had felt bound to state that our fleet had been much neglected, that the Admiralty had not the means of sending out proper reliefs; and he contended that, in the event of war with a maritime Power, nothing would prove more serviceable than the fast-sailing fully-armed wooden ships the late Admiralty had provided for defending our own commerce and assaulting that of an enemy. Possibly the remarks of the right hon. Gentleman had fallen from him in the heat of electioneering time, when perhaps they were not always as nice or cautious as they should be; he had, however, some recollection of having been charged with extravagance both by the First Lord of the Admiralty and the Prime Minister, but his best answer to that was the admission made recently, when the Estimates were brought forward, that one-half of the saving shown by the present Estimate was owing to the economical arrangements he had made.

Mr. CORRY said, as the charge of vacillation was made against him, he begged to say that his policy had uniformly consisted in applying every energy of his mind and every halfpenny he could scrape together for the purpose of developing the power of our armour-clad Navy, to which he had added seven vessels, in addition to three ordered by his right hon. Friend (Sir John Pakington), and to rescue the reserves of ships from the deplorable condition in which they had been left by the preceding Government. The reason why he had taken on 2,000 men in 1867 was because he had found that the whole of the reserve left him by the Government that had preceded him in Office was a single frigate, which was the only ship he could have commissioned if a war had suddenly broken out with France or America, and the salvation of the country had depended on it. He immediately set about bringing the reserves up to something like a respectable condition—for he belonged to the old school, having served at the Admiralty with Sir George Cockburn, who could not have slept in his bed if he had not a reserve of thirty line-of-battle ships, some ready, and others in an advanced state of preparation for being commissioned, if the safety of the country should require it. Having obtained the permission of the Treasury, he had at once set to work to bring forward armour-clads for commission, and had put on men to hasten the equipment of the reserves, so that by the time he had left Office he had ready for any service, instead of one frigate, four armour-clads, four heavy frigates, three or four corvettes, and seven or eight gun-vessels, and this reserve would have been materially increased, as respects armour-clads, if he had continued in Office. He could not understand how giving employment, although temporary, to a body of workmen, could have added to their distress. If his policy had been a vacillating policy, it was one which he hoped the present Government would imitate.

Mr. CHILDERS said, that the observations of the right hon. Gentlemen fully justified what he (Mr. Childers) had said. If, instead of, in a panic, building a large number of wooden ships, and then a large number of iron ships, and if, instead of increasing the dockyard men by 2,000, and then suddenly reducing them by 5,000, these operations had been distributed over two or three years, they would have had quite as efficient a fleet and a not less economical administration of the dockyards without the distress which was now deplored on both sides of the House.

Sir JAMES ELPHINSTONE said, the discussion had taken a turn which raised the whole question—Have we yet an efficient fleet? There had been laid on the table a most able Report by his gallant friend Admiral Warden; and any one who studied that Report would be of a very different opinion from the First Lord of the Admiralty as to our having such a fleet. We had ships that would neither sail nor steer, and he believed the Admiralty did not know what kind of ships they were going to construct. The gist of Admiral Warden's Report was that the ships of the *Achilles* type were the best ships we had; that we had only four good ships, but they were too large, and that it was reduced copies of this *Achilles* or *Minotaur* we ought to build now. Now, however, we were going to build ships without masts, although we knew nothing whatever about such ships. He could only hope and trust that they would soon have a discussion of Admiral Warden's most able Report, and that they would come to some decision as to what kind of ship was to be built in the future. If the fleet were now ordered out to Madeira and back, he believed there would be a week between the return of some vessels and that of the others. [*A laugh.*] Hon. Members might laugh, but such a difference in the speed of vessels as would lead to that result was a most serious thing. However, let hon. Members read Admiral Warden's Report, and they would see what a position we were in. The *Hercules* and the *Bellerophon* were, perhaps, the best ships we had, and they were a little handier than others because they were shorter; but they were moved at much greater expense than ships of finer lines, and, therefore, Admiral Warden recommended the building of reduced copies of the *Minotaur.* But were we building ships of that kind? It had been remarked that the sum voted for experiments had been reduced from £12,000 to £2,000; and that was not a prudent measure, because there were points in reference to which we ought to be continually making experiments, until we had arrived at something like a final and satisfactory conclusion. Among other things we had to devise some means of keeping the bottoms of ships clear of barnacles. Then, the consumption of smoke had been too much neglected in the Navy. Again, we had to develop the hydraulic turbine principle, which must in a few years supersede the screw. The principle had been tried with perhaps the worst and the most unseaworthy ship in the Navy—the *Waterwitch*—belonging to a class the two or three other members of which had been smuggled out of the country, had never been heard of since, and probably never would be, because no one would go to sea in them; but this trial—touching the greatest question of the day in regard to motive power—had been no experiment at all. It was well known that vessels had been worked up to ten knots an hour upon the hydraulic principle, and the most eminent engineers of the day declared there was no reason why a greater speed should not be obtained with the turbine than had been obtained by the screw. With the turbine you got rid of the immense swag of the screw and of the fouling of the screw, and the vessel was perfectly handy, and if you made sail the motive power obtained went to increase the speed; whereas, if you made sail with the screw, you had to get up to the horse-power of the screw before the sails were any good to you. These were matters upon which experiments ought to be made until conclusive results were arrived at. Again, there was the question of liquid fuel and of the economy that would be effected by the use of oils obtained from petroleum. We could not use the oils at present, because they were inflammable at certain temperatures; but he had the greatest possible confidence that it was in the power of chemistry to discover some means of making them available, and the application of such oils to the production of steam power would be an enormous benefit to navigation. It was a mistake, he feared, to suppose that the Chinese Government could control the hordes of pirates who infested the 3,000 miles of Chinese coasts and resorted to the adjacent islands. They were ferocious and skilful; they preyed not only on Chinese vessels, but on vessels carrying the British and every other flag, and it was our own trade which we protected as well as the Chinese trade. At the same time, it was clear that if the Chinese Government was not able to protect its own coasts, it ought to pay a large subsidy to the Power which provided the necessary defence.

ADMIRAL ERSKINE said, that without following his gallant Friend through the discussion of the hydraulic principle, and of the best form of ship, he believed all the points involved were as yet in the experimental stage; and the misfortune was that success or failure on one point threw no light on the principle of another. He thought the discussion showed that he was not wrong on Friday night when he abstained from giving a personal opinion on those points. In spite of the strong observations made by the hon. Baronet the Member for Portsmouth (Sir James Elphinstone) he voted on Friday night for the building of the two iron-clads, and that fact seemed to suggest the question whether we were to be guided in building our Navy by minute details relating to ships, or by other considerations such as might have induced the hon. Baronet to vote as he did. It was to be presumed he desired to see a ship built at Portsmouth [SIR JAMES ELPHINSTONE: Hear, hear!]; but if we were to adopt a particular class of ship, let the Committee consider the reasons which had been advanced for and against particular classes, and let us abstain from these experiments which were loading the Navy with vessels that would certainly become obsolete, and involving us in expense of which we could not see the end.

MR. GRAVES said, he wished to correct the statement that he had said the twin screw had failed. He carefully guarded himself against expressing such an opinion; but what he said was, he had received an opinion from one of the highest practical authorities upon the twin screw, and that opinion was highly unfavourable to it in a vessel with a large draught of water; and not a single word had fallen from any Member during the discussion of the Estimates to remove from his mind the impression which he had derived from the opinion he alluded to. Reference had been made to the twin screw for vessels of light and of moderate draught, with which it had answered well; but the only vessel with a draught of twenty-two feet that it had been tried upon was a vessel built for the Dutch Navy; and one of the constructors of that navy told him that which he communicated to the House—namely, that the twin screw had failed, and must fail with vessels of a large draught, for the reasons deduced from the experiments made with the Dutch ship in question. We had now six or seven of those vessels. Two or three of them would be tried in the course of a few months, and all he would ask his right hon. Friend to do was to pause until their principle had been shown to work satisfactorily. These new vessels were only estimated to make 12½ knots an hour, and it was usual for ships when tried to go a knot less than the estimate. He was quite aware that the twin screw gave a greater power of turning and, if it did not interfere with the speed and steering power, it would be valuable; but they must remember that with the adoption of the turret principle, the rapid turning of the vessel was a secondary consideration, however important it might be in the case of broadside-vessels. With respect to masts—which had been alluded to in the course of the debate the other evening—he believed a vessel, by the proper distribution of weights, could be as safe at sea without as with them, although, if they dispensed with sails as motive power they must remember that they would have to place all their reliance upon their engines, and if those broke down the ship would be helpless. There was, therefore, all the more necessity that the machinery should not be merely experimental, but adequate for all emergencies. Notwithstanding the Vote that was taken the other evening, he believed his right hon. Friend would pause before he went on with these vessels, though he had obtained the money to build them with. He trusted, at any rate, that his right hon. Friend would proceed with caution, and satisfy himself thoroughly as to the working of the principle. We have had enough of experimental building—half our ships are mere experiments and failures. There could be no reason for injudicious haste, and he warned the First Lord of the responsibility which would now attach to him. He was glad to find that the importance of carrying on board a sufficient quantity of coal—a principle for which he had always contended—was being recognized, and that these new ships were to be capable of carrying seventeen days' coal. At present there was in our Navy a great extravagance in the consumption of fuel, combined with a very small space for carrying of coal on board the vessels themselves. The Admiralty, for some reason or another, appeared entirely to ignore the principles which were adopted in our mercantile marine—principles by which a large saving of fuel was affected. If the right hon. Gentleman would grant him a small Committee, he would undertake to prove that the engines in use in the Navy were in this respect of such a character that if employed in the vessels belonging to any public company they would effectually prevent the company from being remunerative. He would simply, as an instance of what could be done, refer to a vessel that had sailed some fortnight since, to which he had already called his right hon. Friend's attention. That vessel, of 3,000 tons, was on her way to the Pacific — 9,000 miles. She had reached Lisbon with a consumption of Scotch coal, which was 10 per cent worse than Welsh coal, of thirty-three tons, making the passage at the rate of twelve knots an hour. If his right hon. Friend would but institute a comparison between what was done in the mercantile marine of this country and in the Navy, he would find that there was something to inquire into. One firm, he understood, were now making fifteen engines upon this improved principle, which only showed that the managers of the mercantile marine had their eyes wider open that the Admiralty. Then, with reference to coal, he would venture to suggest that a great saving might be effected by the increase of railway communication between some of our collieries and coaling stations. Indeed, under the present cumbrous way of bringing the coals round the coast, it cost more, he believed, to coal a vessel at Portsmouth than at Malta. A small line of railway run from the existing lines to Portland harbour would, he believed, be so advantageous that the saving effected in the course of a few years would more than pay the expenses which would be incurred. The same thing might be said with regard to the coaling depôts on the Thames. He held it to be of the highest importance that arrangements should be made by which a continuous supply of coal could be maintained in cases of emergency especially, and that ships should not be dependent, as at present, on the arrival of colliers and fair winds. There was another point which he wished to urge upon the Government. His hon. and gallant Friend (Sir James Elphinstone) advocated the building of vessels at Portsmouth. He was scarcely surprised at the recommendation made by his hon. and gallant Friend, but he would suggest whether it might not be advisable to build some of our vessels in Ireland? The Admiralty got ships built in Scotland and Wales, and on various parts of the English coast, but they got none built in Ireland; and he asked, why was that? We had heard a great deal about what should be done for Ireland; and in this direction we could confer a material benefit on the people of that country. Ample facilities existed, as might be seen from the splendid 4,000-ton steamers running to Alexandria, which were built at Belfast. In Cork there was a naval yard. As an Irishman himself, and as having had practical experience in this matter, having himself had ships built in the North, South, and centre of Ireland—at Dublin—he trusted his right hon. Friend would not, in dispensing his favours, forget that there were shipbuilding yards in that country fully equal to the work which might be required.

Mr. Alderman **SALOMONS** said, that he was not an Irishman, but a Greenwich man, and he hoped that his right hon. Friend (the First Lord of the Admiralty) would not abandon Woolwich.

Admiral **SEYMOUR** said, he could corroborate the remarks of the hon. Member for Liverpool (Mr. Graves), as to the facilities for shipbuilding in Ireland. A vessel was built in Ireland by the directions of the late Admiralty, and she was not only built as cheaply as others, but was superior to those turned out from other places.

Mr. **CHILDERS** said, he desired to apologize to his hon. Friend for having misrepresented him the other evening. He would not enter again into the question of the turret-ships. With reference to the last part of his hon. Friend's suggestion — that the Government should build ships in Ireland—he would receive it with the attention it deserved. He could quite understand that his right hon. Friend who had preceded him as First Lord of the Admiralty being himself an Irishman, might have hesitated to give contracts in Ireland. [Mr. Corry: We did give a contract there.] It was true that the late Government had given a contract for one gunboat in Ireland; but he could quite understand that a Board on which there were two Irishmen might have a delicacy in respect of giving contracts in Ireland, which the present Board, on which there was no Irishman, would not have. With respect to engines he had already caused an inquiry to be made in consequence of a communication from his hon. Friend (Mr. Graves), and he could assure him that any representation he might make on a subject with which he was so conversant would be received in the best spirit by himself and his Colleagues.

Vote *agreed to.*

(6.) £749,816. New Works, Building, Machinery, and Repairs.

Mr. **MAGUIRE** said, that the suggestion of his hon. Friend the Member for Liverpool (Mr. Graves), might very well be left to the consideration of the First Lord of the Admiralty. In Ireland they got but few crumbs from the Treasury, and they accepted gratefully what came to them. He wished to call attention to the state of the Government dock in Cork harbour. It was now nearly four years since this work was undertaken, having been sanctioned by a Committee of the House. When it was commenced, it was said that the work would take six years for completion. Stones had been quarried, but, practically speaking, nothing had yet been done. The real cause of the little progress had been that there had been no adequate supervision. The works were under the direction of an eminent engineer, but the person who supervised them was little more than a clerk of the works. Only 100 yards of the coffer-dam had been carried out, and even that part of the work was imperfectly executed, and the sea had broken in several times.

Spike Island and Haulbowline being so near, it was thought that convict labour might be rendered available, but that supposition had not been realized, the number of convicts having diminished. The Government had been compelled to fall back on free labour, and of the 150 men employed, only thirty were mechanics. The work was carried on in the most lingering manner and, if the present rate of progress were continued, the work would take fifty years for completion. There had been a grant of £150,000 for the work, but of that sum only £38,000 had been expended, and he did not think proper value had been obtained for the expenditure. All naval authorities agreed that it was most important that they should have a dry dock in that part of Ireland, so that iron vessels might be examined and cleaned. He hoped his right hon. Friend at the head of the Admiralty would give him an assurance that these works would be carried on more rapidly, and completed within a reasonable time.

Mr. Alderman SALOMONS said, he wished to make a few observations with reference to Woolwich and Deptford Dockyards. It appeared that the work of Woolwich Dockyard was to be transferred to Chatham. He would not dwell upon the policy of this, but he could speak of the great distress that was consequent upon such a decision. If the transfer must take place, why should that valuable shipbuilding space immediately opposite the river be left to lie waste and unoccupied? Great facilities for shipbuilding had been provided both at Deptford and Woolwich, and, both as regarded the national resources and the interest of those localities, he thought some promise ought to be made by the Government that this valuable space should be used for some purpose, if possible, equivalent to that for which it had been turned to account for so many years. He hoped his right hon. Friend would be able to give him a satisfactory answer. The distress at Woolwich was very great, and he was daily receiving letters from men who said if they could not get work here they were willing to emigrate. He understood that Government were going to send out transports to Canada to bring home the troops which were no longer needed there, and he hoped that he might receive a promise that some portion, at all events, of these vessels might be utilized for the purpose of carrying out the distressed artizans of Woolwich and Deptford.

Mr. TREVELYAN said, in reply to the hon. Member for Cork (Mr. Maguire), that the House of Commons had assented to the construction of the dockyard at Cork only on the understanding that the works were to be executed by means of convict labour. At first that labour was not found to be available, and the construction of the dockyard proceeded very slowly; the number of convicts employed at the outset for a period of eighteen months or two years being not more than eighty. Of late, however, the Government had recourse to free labour, and at the present moment 589 convicts and 189 free labourers were engaged. Not only, he might add, had £20,000 been expended on the works last year, but also a sum of £14,000 spared out of another Vote, and he could assure his hon. Friend that they were now being prosecuted pretty quickly. He was, moreover, informed on high professional authority that they were likely to be completed within a period, not of fifty, but of five years.

Mr. MAGUIRE said, he was a Member of the Committee which had reported on the subject, and could most distinctly assert that it formed no part of the conditions on which the works were to be undertaken that they should be executed solely by convict labour. It would be an insult to say anything of the kind and no Irish Member would submit to it. He could also state on the best authority that, owing to the want of adequate local superintendence, a great deal of the money granted by Parliament for the purpose of carrying out those works had, as it were, been thrown into the sea, so imperfectly were they prosecuted.

Sir JOHN HAY said, that as a Member of the Committee to which the hon. Gentleman referred, and having the Report before him, he felt bound to corroborate his statement as to no stipulation having been laid down in their Report that the docks at Cork should be constructed by means of convict labour.

Mr. CHILDERS said it was true that there was nothing in the Committee's Report about convict labour, but it was also true that the first Votes had passed the House with the understanding that the work was to be performed by convict labour, and this was mentioned in the Appropriation Act. That condition was omitted in the last and present Estimates, and the Government were therefore at liberty to employ free labour in the construction of the dock. He would inquire into the matter of superintendence of the works, but those who knew Cork harbour would admit that it was one of the most difficult places in the world to carry out hydraulic works of this kind. The hon. Member for Greenwich, (Mr. Alderman Solomons) had asked him whether the Government would take care, in reference to the closing of the dockyards at Deptford and Woolwich, to utilize to the best of their power the dockyards at those places? The Government were doing so, and he had taken steps which had induced inquiries as to whether the Government would sell or let the dockyards to private persons. He hoped that something would come of this, and Government were using their best energies to that end. As to the question whether the Government would convey some of the discharged workmen to the colonies, it was their intention to give the workmen at Woolwich the same opportunities as had been given to those at Portsmouth and Plymouth. They did not propose to take distressed persons generally, but only a limited number of artizans discharged from the dockyards, of good character, and whom they hoped the colonists would be glad to receive.

Mr. SAMUDA complained of the growing item for new machinery, new works, and new foundations at the various dockyards. In 1861 it was understood that Chatham Dockyard was to be the place for the purpose of ascertaining whether the Government could manufacture iron vessels as well and as cheaply as they could obtain them from private dockyards. But the fact was that not only two or three yards had got new machinery, but that there was not a single yard out of the seven that had not got it. There was a sum of £16,000 for new machinery, and £55,000 for repairs in the different dockyards. It was unfair to the community generally that, while the Government were not issuing a single order to a private yard, although the work could be done more cheaply outside than in the Royal Dockyards, they were adding immensely to their own means of production by increasing the machinery in their own establishments. The expenditure upon machinery ought to be looked after and prevented. With regard to the distress at Woolwich, he thought that the Government ought not to confine their assistance to their own discharged mechanics. The funds were those of the nation, and ought either to be placed at the disposal of all in that unfortunate position or of none. He had before protested against the closing of these yards, and he asked the House now not to accept the decree as one against which nothing was to be said or done. In his opinion the policy was a mistaken one, especially as regarded Woolwich, which possessed many advantages. In the case of a threatened invasion Woolwich required no special protection, because the lines for the defence of the metropolis must of necessity include it. Again, it was situated close to the great offices of State; and the great manufacturing establishments of the country. The Admiralty possessed there an area which was, he believed, only exceeded by that at Chatham. There was very little difference with regard to the draught of water; and on all these grounds he contended that Woolwich ought to be retained. We had spent £7,000,000 in protecting Portsmouth, and probably it would be necessary to spend £7,000,000 more before the works were perfect. Yet distinguished military authorities assured him that it would be impossible to carry on the work of naval construction or maintain a fleet at Portsmouth, in the event of serious war, unless we had absolute command of the sea, and in that case of what use would these forts be? The chances were that we should be unable to spare the troops to man them, and then we should have to abandon the dockyard which we were now spending so much money to protect, while we were giving up a dockyard which possessed a natural defence. In his opinion, the three best dockyards to maintain were Pembroke, Woolwich, and Chatham; but, at all events, Sheerness ought to be sacrificed before Woolwich, and he would also give up Pembroke rather than Woolwich, because Pembroke, however much it was fitted for our purposes in the days of wooden shipbuilding, was at present of comparatively little value. He thought it was absurd for the Government to give up Woolwich Dockyard to a private firm, and expect to be able profitably to reclaim it at some future period. In the first place the dockyard was upon too large a scale for the requirements of any private firm, and the alterations which would have to be made in it would quite destroy its usefulness as a public yard. Should the Government plan, therefore, be carried out, and should it be found necessary hereafter to take back the yard, the expense would be very great, and what was saved just now would be more than lost ultimately. It would be much better to preserve such dockyards as were shut up in a state of proper efficiency, so that they could be easily and quickly re-opened again should the requirements of the public service demand such a step.

Mr. LAIRD said, he had been a Member of the Dockyard Committee which sat in 1864, and he could state that the whole subject had been very fully and carefully considered. That Committee unanimously recommended that Deptford and Woolwich should be closed, and by a large majority the Committee also recommended that Pembroke should be shut up. He was sorry that the case of Sheerness had not been brought forward, because he believed that the Committee would also have advised that it should be closed. The Committee, among other things, had considered whether the work of the country could not be efficiently done if concentrated in the three great dockyards of Chatham, Portsmouth, and Devonport, and the opinion prevailed that it could. His own belief was that the work would be as well done, and £250,000 a year would be saved. He hoped that the Admiralty would take into their serious consideration the advisability of closing Pembroke and Sheerness.

Mr. CHILDERS said, that the process of abolition, whether in respect to dockyards or clerkships, was not a very agreeable one for anyone to undertake. The abolition of Deptford and Woolwich Dockyards was an operation of great difficulty, and he was not prepared to take in hand, besides, the closing of Portsmouth and Sheerness. His hon. Friend behind him (Mr. Samuda) had made some remarks in reference to the expenditure on new machinery, but the amount, £16,000, was not very large, when it was considered that the dockyard work represented £2,000,000 a year out-turn. The greatest part of this charge for new machinery was for the factories, the tools in which required expenditure as improvements were made. The amount for shipbuilding machinery was very small.

Mr. BREWER said, that the Government, in assisting their *employés* to emigrate, only took on themselves the responsibility which attached to employers of labour, but it would be a great blunder if they undertook to relieve the distress existing among all other classes.

Vote *agreed to.*

(7.) £79,300, Medicines and Medical Stores.

(8.) £18,144, Martial Law.

(9.) £120,650, Miscellaneous Services.

(10.) £723,331, Half-pay, &c.

Sir JOHN HAY asked whether it was intended to take the Vote that night, as some discussion would arise on the proposal which the First Lord of the Admiralty intended to make with reference to a scheme of retirement for officers?

Mr. CHILDERS replied that he proposed to bring in a Bill on the subject of compounding half-pay and retired pay, and the subject could be discussed on the introduction of the Bill.

Sir JAMES ELPHINSTONE said, he hoped the Vote would be postponed. Some discussion would arise on it.

Mr. CHILDERS said, the Vote was word for word what the right hon. Gentleman opposite proposed. No change had been made. It was a mere formal Vote for Half-pay.

Mr. CORRY said, he wished to know whether any increased expenditure was contemplated in the Bill to which his right hon. Friend had referred?

Mr. CHILDERS replied, that if there should be any increased expenditure it would be put into an Estimate and brought before the House in the usual way.

Vote *agreed to.*

(11.) £569,728, Military Pensions and Allowances.

(12.) £222,566, Civil Pensions and Allowances.

(13.) £316,348, Freight, &c. (Army Department).

Mr. LIDDELL said, he wished to put a question to the right hon. Gentleman the First Lord of the Admiralty. The Estimates for Greenwich Hospital usually followed the Navy Estimates, and as an impression prevailed out-of-doors that a Bill was in preparation on the subject of the general arrangements of Greenwich Hospital, he wished to know whether the Estimates relating to it would be postponed till the House had an opportunity of considering the Bill?

Mr. CHILDERS said, the proposal of the hon. Gentleman was an exceedingly proper one. They intended to introduce a Bill on the subject of Greenwich Hospital, which would take effect on the first of October; but they would only propose the Estimates for six months, so that the House would have an opportunity of considering the Bill before the Estimates for the remaining six months were taken.

House *resumed.*

Resolutions to be reported *To-morrow.*

Committee to sit again upon *Wednesday.*

COURT OF COMMON PLEAS (COUNTY PALATINE OF LANCASTER) BILL.

(*Mr. West, Mr. Bazley, Mr. Davison,*)

[BILL 26.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. Serjeant SIMON said, he would move, "That this House will, upon this day six months, resolve itself into the said Committee." Every piece of legislation that sought to set up anew, and revive such mediæval institutions as this court was likely to retard any comprehensive system of law reform. The curse of our system of judicature was the number and variety of our courts of law. This was an ancient court, established when counties palatine were erected, with a view to protect the inhabitants from the incursions of the people of Scotland and Wales, but now there was no use for it, and why should this special jurisdiction be not only preserved but encouraged? In 1867 a similar measure was introduced by the right hon. Gentleman opposite, at that time Chancellor of the Duchy of Lancaster, and it was withdrawn on the ground that the Judicature Commission was about to issue. That Commission had just made its first Report, which would be on the table in a few days; and considerable changes had been recommended. The object of the present Bill, which had been introduced and pressed forward with undue haste, was to defeat the measure proposed by the Commission. The Judges of this court were generally the Judges who attended the circuit, but the centre of the court was in Preston, and no attorney in Manchester and Liverpool would think of bringing an action there unless he expected to get a judgment by default, preferring to come to London, where he had the advantage of the best legal advice. In the last cause list at Liverpool out of seventy-three cases only eleven were taken out of the Court of Common Pleas of the County Palatine of Lancaster. The Bill would establish prothonotaries at Liverpool and Manchester, for the purpose of saving agency fees for the attorneys in those towns. He would undertake to say that it would not confer the slightest benefit on suitors, or lessen in any appreciable degree their expenses. It would simply benefit a few attorneys in Liverpool and Manchester, who were promoting it. Why should not Bolton, Warrington, and other large towns in Lancashire be considered, as well as Liverpool and Manchester? These prothonotaries, considering the important powers they would have to exercise, must be paid large salaries. Why should this expense be put upon the country, and that, too, when we were on the eve of a great reform of our judicature? If they were once appointed, it would be impossible to get rid of them without heavily compensating them. There was no public ground whatever on which the Bill had been brought forward, and it ought to be rejected. There was not, he believed, a single Petition in its favour.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee,"—(*Mr. Serjeant Simon,*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. WEST said, that the feeling in Lancashire was almost unanimously in favour of the Bill. He was surprised that it should be supposed that the Bill would occasion any charge on the Consolidated Fund, for since the reign of Henry IV. the funds of the Duchy of Lancaster had been kept separate and distinct. The measure could hardly be said to have been brought on hastily, for legislation on the subject began in 1867, and this very Bill had been read three times in the House of Lords. In former days the Assizes for the county palatine were held in Lancaster, but by an Act passsed in the reign of William IV. the Crown was enabled to give Assizes to other places. The southern division of the county had now become more important than the northern, and in 1835 Assizes were given to Liverpool, and subsequently to Manchester. The prothonotary's office, however, still remained at Preston; and to this day all the solicitors in the county having to transact business similar to what was transacted by the Master of the Queen's Bench at Westminster, had to repair or send to Preston for the purpose. It was extremely important that prothonotaries should be appointed for these towns, in order that writs, &c., might be obtained there at once, without the necessity of employing agents at Preston. In fact, the opposition to this Bill proceeded from the attorneys of Preston, who were afraid of losing their fees for agency. It had not been deemed necessary that the office of prothonotary should be held by a lawyer. From the time of John of Gaunt, almost, it had been held by some one who was either a favourite of the King or a friend of the Chancellor of the Duchy for the time being. The last holder of this somewhat lucrative sinecure was the late Sir Charles Phipps, who probably never was at Preston in his life. He had, however, a deputy, a most excellent officer, to whom he paid a small salary, and by him the duties of the office were performed most efficiently. On the death of Sir Charles Phipps it was suggested to Her Majesty that the office ought not to be filled up; and Her Majesty, ever willing to subordinate her undoubted rights of patronage to the benefit of her people, acquiesced in the proposed surrender, so as to admit of the appointment of competent officers in the different districts. Before the arrangement, however, was completed, a change of Government occurred; but hon. Gentlemen opposite took the same view as their predecessors,

and a measure was introduced which was only defeated by the pressure upon the time of Parliament occasioned by the Reform measure. Now that this difficulty was removed, the Bill, which had obtained the sanction of two Governments, ought surely to be passed.

MR. ASSHETON CROSS said, the hon. Member who opposed this Bill (Mr. Serjeant Simon) must be aware that the court to be affected by it was to all intents and purposes a Superior Court. That the number of cases tried in this court at present was comparatively small was, he thought, an argument in favour of the Bill. If a man was to send out of his town for a writ for the purpose of trying his cause, he might as well send up to London for one at once. There was another court as ancient as the one in question — namely, the Court of Chancery in the County Palatine of Lancashire, and they were only now asked to do with reference to the court in question what had been done with reference to that court. The offices in connection with that Court of Chancery were formerly in Preston alone, but by an Act, which was passed a few years ago, they were extended to Liverpool and Manchester. Since that was done the business of the court had increased in an untold degree, and he was convinced that a similar benefit would result from the passing of the present Bill.

MR. CRAUFURD said, that the hon. Member who had charge of the Bill (Mr. West) had shown himself very oblivious of the objections that had been urged against it. He should like to know whether the First Lord of the Admiralty was in favour of the scheme. His hon. and learned Friend had entirely evaded the question, whether this court should be continued or not. There could be no necessity whatever for hurrying through this Bill when the Report of the Judicature Commission, of which the First Lord of the Admiralty was a Member, would be presented within a few days. He hoped the House would not go into Committee on this Bill.

VISCOUNT SANDON said, the legal profession in Liverpool were decidedly of opinion that considerable advantage would result from the Bill, and the Bill was generally approved of there. The whole course of legal reform had been to bring justice to the door of the populations of the large towns, and, in accordance with that policy, he hoped that the House would agree to the passing of the present Bill.

Colonel **WILSON-PATTEN** said, that last Session reasons were given why this Bill should not be proceeded with before the Report of the Judicature Commission was presented, and he had found it desirable to yield to those representations. He would advise his hon. and learned Friend (Mr. West) to postpone the Bill for a short time, until the Report appeared.

Mr. **CARDWELL** said, that on the remonstrance as to the Judicature Commission the Bill had been hung up for two years, and yet its promoters were now taunted with acting in indecent haste. If the Report of the Commission should prove to be in favour of this court being done away with, by all means let it be abolished, but meanwhile it was only fair that the inhabitants of Lancashire should enjoy the benefits which would be conferred by the Bill. He hoped the House would now allow the Speaker to leave the Chair, in order that Progress might be reported, if his hon. Friend would not proceed further with the measure for a reasonable time, but wait in order to see whether the Report of the Judicature Commission would be in the meantime presented.

Mr. **BAZLEY** said, that in Liverpool and Manchester the inhabitants were generally strong supporters of the Bill, as a measure for the extension of legal conveniences to the whole county, which were now in a great measure confined to Preston.

Mr. Serjeant **SIMON** said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill *considered* in Committee.

House *resumed.*

Committee report Progress; to sit again upon *Monday* 19th April.

The House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Tuesday, 6*th April*, 1869.

MINUTES.]—Public Bills—*Second Reading*—Lord Napier's Salary * (37); Mutiny *; Marine Mutiny *.

Reported with Amendments—East India Irrigation and Canal Company * (31).

Report—Habitual Criminals (32-41).

GOVERNMENT OF INDIA ACT AMENDMENT BILL, 1867.—NOTICE.

The Duke of **ARGYLL** said, that in consequence of certain Questions that had been put to him by his noble Friend the Marquess of Salisbury and other noble Lords, he had to state that he intended to proceed with the Bill introduced by Sir Stafford Northcote on behalf of the late Government, in the last Session of Parliament, relative to the constitution of the Council of India; and that he would make a statement with respect to it on Thursday week next.

The Marquess of **SALISBURY** asked if it would contain any new clauses relating to the financial control of the Council of India?

The Duke of **ARGYLL** replied that it would not.

HABITUAL CRIMINALS BILL.—(No. 32.)

(*The Lord Privy Seal.*)

REPORT.

Amendments *reported* (according to Order).

Clause 4 (Power to apprehend holders of license on suspicion).

The Earl of **KIMBERLEY** said, that in the law as it stood there was no provision authorizing the temporary committal of a ticket-of-leave man to any county or borough prison. He therefore proposed to insert in Clause 4 words enabling a magistrate to commit such a man to any prison within his jurisdiction, there to remain until he could conveniently be removed.

Amendment *moved* in Clause 4, line 6, after ("to") insert ("any prison within his jurisdiction, there to remain until he can conveniently be removed to").

Amendment *agreed to.*

Another Amendment *moved* in line 7, after ("confined") to insert—

"In order that he may there undergo the term of penal servitude to which he is liable under the said Penal Servitude Acts or some of them."

Amendment *agreed to.*

Clause 5 (Penalty for breach of conditions of license).

Amendment *moved,* to add as separate paragraph at end of clause—

"There shall be repealed so much of the fourth section of the Penal Servitude Act, 1864, as requires the holder of a licence to report himself personally once in each month."

Amendment *agreed to.*

Clause 10 (Person twice guilty of felony and not punished with penal servitude to be subject to the supervision of the police).

Lord ROMILLY proposed the omission of that portion of the clause which authorized imprisonment for twelve months, with or without hard labour, upon mere suspicion. Common justice dictated this Amendment; for, as the clause stood, a man who had done nothing, but whom a policeman suspected, and as a magistrate thought justly, might be consigned to prison over and over again, and this might go on during the whole of a man's existence. If the magistrate were bound to have evidence of a single fact of any description he should not complain, nor did he object to the commital of persons found in any place under circumstances justifying the belief that they were about to commit or aid in the commission of a felony; but he could not approve the imprisonment of persons on a mere suspicion that they were getting a livelihood by dishonest means. It was true that such persons must have previously committed two offences, and that the object was to punish them when about to commit a third. If all police constables and magistrates were exempt from the passions of human nature he should offer no objection to the proposal; but if they had any feeling of dislike towards a man who had been twice convicted it would enable them to inflict a punishment which should only be inflicted when there was evidence of his intention of committing a felony. He did not believe the people of this country would tolerate such an arbitrary power, which would practically operate as one law for the rich and another for the poor; it being obvious that no magistrate would commit on mere suspicion a rich man who had plenty of friends, and that the poor and friendless man alone would be subjected to such severity.

Amendment *moved,* to leave out lines 20, 21, 22, 23, and 24.

The Earl of KIMBERLEY said, he could not accept the Amendment, since it struck at the very root and principle of the Bill. The object of the Bill was two-fold. First, it made certain provisions binding on persons under license; and the object of the second part of the Bill, which included this clause, was to place men who had been twice convicted of serious offences, but had been sentenced by the Judges to the alternative sentence of imprisonment instead of penal servitude, in the same position as those who had been so sentenced, and who held a license under the Penal Servitude Acts. Persons against whom there had been repeated convictions were frequently sentenced at sessions and Assizes to imprisonment for six months or two years, and it was only right that such persons, having committed more than one felony, should be put in the same position as licenses with respect to police supervision. The object of the Bill was to strike at the "habitual criminal" class, men who formed notorious gangs and were well known to the police, but against whom no actual proof of crime might for a long period be established. The clause would empower their arrest under certain safeguards, and the magistrate would then call upon them to show that they were not getting a livelihood by dishonest means. His noble and learned Friend feared that magistrates might, from corrupt motives, oppress these men and imprison them without just cause; but for his own part he had more confidence in the administrators of justice, and it must be borne in mind that these proceedings would be public, and would be reported in the newspapers, and that the persons arrested might be defended by counsel. The chief officer of police, as a responsible man, would be very careful in giving authority for an arrest, and the magistrate would have to be satisfied that the prisoner was pursuing dishonest courses. He thought, therefore, that the clause was sufficiently guarded.

Lord CAIRNS begged to make a suggestion that the wording of this clause should be assimilated to that of Clause 4, to which no objection had been offered, so that it should stand that a person being brought before a magistrate must make it appear, to the satisfaction of the magistrate, that he is not getting his living by dishonest means.

The Marquess of SALISBURY thought this would aggravate rather than relax the stringency of the clause. In its present shape the magistrate must have reasonable grounds for believing that a person was getting his livelihood by dishonest means, and he believed the class on whose behalf the noble and learned Lord opposite objected would prefer this to the form suggested by his noble and learned Friend (Lord Cairns). He regretted that the framers of the Bill, in providing such large and exceptional powers as those provided by the Bill, had not employed words having meanings better known to the law. He doubted whether there was any legal definition of "dishonesty," and he feared that magistrates in country districts, little accustomed to the administration of the law, might construe anything opposed to their own views of morality as "dishonest." He should prefer the word "illegal." The noble Earl (the Earl of Kimberley) had proposed as a security that the chief officer of police must authorize the apprehension of suspected persons; but suppose that suspected person had been already apprehended. Suppose that a police constable had arrested a man upon a charge that was not sustained, the intervention of the chief officer of police would thus be set aside, and the constable and the magistrate between them might send the man to prison for a year, with hard labour, because he could not prove that he was not getting his living by dishonest means. He thought that it would have been more satisfactory if the sanction of the chief officer had been required as an element in the conviction of the man.

The Earl of KIMBERLEY said, he had no objection to the Amendment suggested by the noble and learned Lord (Lord Cairns), but he had no wish to make the clause more stringent than it was already.

Earl GREY thought there was serious objection to punishing a man on the mere suspicion of a police-constable and magistrate.

Lord CAIRNS urged that the 4th and 10th clauses, having the same object, should be couched in the same terms. He preferred the language of the 4th clause, for it was rather anomalous to inflict punishment in case it appeared to the magistrate that there were reasonable grounds for believing that the prisoner was getting his livelihood by dishonest means, whereas it was quite consistent with Parliamentary usage to do so in case a suspected person failed to make it appear to the satisfaction of the magistrate that he was not getting his livelihood by dishonest means. He would propose, therefore, that the latter form be substituted.

The Marquess of SALISBURY said, that as the clause now stood the prisoner was to prove that he was not getting "a livelihood"—not "his livelihood"—by dishonest means. How was a man to prove that he was earning no money by dishonest means? He might, indeed, repel any allegation to the contrary; but how could he rebut it? Could any Member of their Lordships' House prove that he was not getting a livelihood by dishonest means? It seemed to be hoped that magistrates would put a lax construction on the clause; but if they happened to be logicians the provision was one under which not only every man who was listening to him, but every man in the three kingdoms, might be sent to prison.

Lord ROMILLY suggested that a greater security would be given by substituting "magistrates" for "a magistrate," so that no magistrate singly was armed with this power.

The LORD CHANCELLOR thought that words to the effect that the prisoner must prove that he was not getting his livelihood by dishonest means would meet the justice of the case.

Amendment *withdrawn.*

Then clause amended as follows:—

"First. If, on his being suspected by a constable or police officer of getting his livelihood by dishonest means, he fails to make it appear to the justices or magistrate before whom he is brought that he is not getting his livelihood by dishonest means."

The Earl of KIMBERLEY moved to insert at end of clause—

"When a person is convicted under this section of an offence which subjects him to the supervision of the police, the record of his conviction shall contain a statement to the effect that he is subject to the supervision of the police in the pursuance of this Act for a period of seven years commencing from the date of his conviction, or words to the like purport, but the omission of any such statement shall not exempt any person from the operation of this section."

Amendment *agreed to.*

Clause 12 (Amendment of Sect. 4 of the Vagrant Act).

LORD ROMILLY moved to leave out, in line 27, the words ("was unlawful or that his intent,"). As the clause stood, an ordinary trespasser might have been visited with severe penalties.

THE EARL OF KIMBERLEY said, he had no objection to the Amendment; but he thought his noble and learned Friend had over-rated the effect of the clause. Its object was not to add to the punishment authorized by the Vagrant Act, but to render it unnecessary to prove any overt act. At present a policeman might see a man lurking about a house, evidently intending to break into it, but he could not apprehend him unless the man did something incipient to breaking in. His noble and learned Friend proposed to limit this provision to cases of felony, and the object of the Bill being to deal with the graver class of crimes, he would not object to the Amendment.

Amendment *agreed to.*

THE EARL OF KIMBERLEY said, that the words of the clause were too vague, and proposed to define such houses in the following terms:—

"Lodging-house, beer-house, public-house, or other place where excisable liquors are sold, or place of public entertainment or public resort."

Amendment *agreed to.*

THE EARL OF SHAFTESBURY moved an addition to the clause, ("or allow the deposit of goods, having reasonable cause for believing them to be stolen").

Amendment *agreed to.*

THE EARL OF KIMBERLEY moved an Amendment in page 6, line 3, to leave out from ("and if") to the end of the clause and insert—

"And any license for the sale of any exciseable liquors or for keeping any place of public entertainment or public resort which has been granted to the occupier or keeper of any such house or place of resort as aforesaid shall be forfeited on his first conviction of an offence under this section, and on his second conviction for such an offence he shall be disqualified for a period of two years from receiving any such license; moreover, where two convictions under this section have taken place within a period of two years in respect of the same premises, whether the persons convicted were or were not the same, the justices or magistrate may, if they or he so think fit, direct that for a term not exceeding one year from the date of the last of such convictions no such license as aforesaid shall be granted to any person whatever in respect of such premises; and any license granted in contravention of this section by the Excise or otherwise shall be void."

This provision would give the magistrates control over beer-houses as well as public-houses.

THE EARL OF SHAFTESBURY regretted that melting-houses were not to be subjected to some restrictions. Were it not for those houses stolen plate, no matter were hidden, might frequently be discovered, but whenever plate was stolen it was taken to these places, and within two or three hours after the robbery was melted down. He trusted that the Government would at no distant day feel themselves in a position to deal with these establishments.

EARL GREY objected to any discretion being left to the magistrates as to shutting up such houses after conviction, and thought that premises as to which there had been two convictions should be invariably debarred from a license for a certain time. The owners of these houses sometimes possessed an influence over the magistrates, who would, therefore, be reluctant to exercise severity. There was to be no discretion in the case of the tenant, and there should be none in the case of the landlord.

THE MARQUESS OF SALISBURY said, that it was introducing a new principle to make a landlord responsible for the character of his tenant, and he could not see why it should be applied exclusively to this particular kind of property. The effect would be that the value of every public-house in the kingdom would immediately fall. No landlord could be certain that his tenant would not come under the operation of this clause, and unless he had been unduly careless it would be hard to make the landlord suffer. It was unwise to attempt to prevent crime by indiscriminate severity towards persons guilty of no crime, nor even of any carelessness. As to melting-houses gold and silver could easily be melted in any good kitchen fire, so that the surveillance of those establishments would not prevent the evil referred to by the noble Earl (the Earl of Shaftesbury).

EARL GREY contended that if a landlord had two successive tenants who carried on business in the same objectionable manner it was not unjust to suspend the license for a year.

The Earl of HARROWBY was also of opinion that the punishment was not excessive, and he objected to an invidious discretion being left to the magistrates, who were often on friendly terms with the owners of the houses.

The Duke of CLEVELAND quite agreed with the noble Lords. He thought that two successive tenants of bad character argued carelessness on the part of the landlord, and that a discretionary power would involve conflicting decisions.

Lord ROMILLY agreed with the noble Marquess (the Marquess of Salisbury) that it was a new principle to make the landlord answerable for the propriety and morality of his tenant. The large brewers had necessarily an enormous number of public-houses, so that they could not be excessively fastidious as to their tenants' characters, and the persons who took public-houses were of a peculiar character, for they must be persons who were not afraid of a little tumult. He thought their Lordships would act very harshly if they were to impose such a penalty upon persons presumably innocent without great consideration.

The Earl of KIMBERLEY thought cases of hardship might occur if no discretion were left to the magistrates. However, as the clause stood, a landlord would for his own interests look very sharply on his tenants' conduct. He admitted that the discretionary power proposed might be somewhat invidious, but this objection applied to all discretionary powers.

Amendment *agreed to.*

The Earl of KIMBERLEY moved to add as a separate paragraph at end of Clause 14—

"Moreover, where proceedings are taken against any person for having in his possession stolen goods, evidence may be given that there were found in the possession of such person other goods stolen in two or more other robberies within the preceding period of twelve months, and such evidence may be taken into consideration for the purpose of proving that such person knew the goods to be stolen which formed the subject of the proceedings taken against him."

This addendum was intended to carry into effect the suggestion that the law as to guilty knowledge in the case of receiving stolen goods should be assimilated to that in the case of uttering base coin. A person might in one instance unintentionally utter base coin, but when he did so several times guilty knowledge might reasonably be inferred, and the same argument applied to the receiving of stolen goods. Such evidence would not in itself be conclusive, but it would be put before the jury as an element in the case.

Amendment *agreed to.*

Bill to be read 3^a on *Thursday* next; and to be *printed* as amended (No. 41).

House adjourned at a quarter past Six o'clock to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 6th April, 1869.

MINUTES.] — New Members Sworn—Henry Master Feilden, esq., *for* Blackburn; Edward Kenworthy Hornby, esq., *for* Blackburn.

Select Committee—Poor Law (Scotland), Mr. Solicitor General for Scotland *added.*

Supply — *considered in Committee—Resolutions* [April 5] *reported*—Navy Estimates.

Public Bills — *Committee* — *Report*—Railway Companies' Meetings * [62].

Considered as amended—Salmon Fisheries (Ireland) * [56].

IRELAND—ST. PATRICK'S DAY IN DUBLIN.—QUESTION.

Mr. R. FOWLER said, he wished to ask the Chief Secretary for Ireland, Whether it is true, as reported in *The Times* and other Newspapers, that at Guard Mounting in the Castle Yard, Dublin, on St. Patrick's Day, the populace "indulged in revelry of a dangerous form, and afterwards expressed their hatred of England by groaning and hissing the National Anthem in the presence of the Lord Lieutenant of Ireland?"

Mr. CHICHESTER FORTESCUE: Sir, I was almost sorry when I saw on the Paper the Question of the hon. Member, because it tends to give something like importance to circumstances of the most trivial nature. But of course I have made it my business to ascertain the facts, both officially from the Police Commissioners and from persons in the suite of the Lord Lieutenant, and perhaps the best thing I can do is to read a sentence or two from the Report of the Commissioners of Police, which is more than confirmed by others who were present. The Commissioners say—

> "The conduct of the populace assembled in the Upper Castle Yard on St. Patrick's Day on the occasion of relieving guard was, on the whole, more orderly than has been the case on former similar occasions. The yard was crowded to excess, so much so that many people failed in their endeavours to get in. Their Excellencies the Lord Lieutenant and the Countess Spencer were most enthusiastically received on their appearance on the balcony. A few 'roughs' got up a dance for a short time ;—

I suppose this was the "dangerous revelry" spoken of—

> nothing, however, but good-humour prevailed; and after the bands left the yard the crowd broke up and went peaceably to their homes. It would appear that there was a certain amount of hissing and groaning when the National Anthem was played at the close of the proceedings, but not greater than in former years on the same occasion, nor than may be heard, more or less, at the theatres."

I am sorry to say that it has been a very bad and offensive habit on the part of the lowest of the population of Dublin on some of these occasions to express disapprobation of the National Anthem —not, I believe, out of any personal disrespect to Her Majesty, but thinking that it is an emblem of British connection, I suppose. Upon the occasion referred to by the hon. Member, however, there was nothing unusual, and nothing which ought to have been described in the words of the extract which he quoted.

INDIA—NAWAB OF JUNGERA.
QUESTION.

MR. EYKYN said, he wished to ask the Under Secretary of State for India, Whether his attention has been called to the Petition of Nawab Seeda Abdoul, claiming to be the rightful Nawab of Jungera; whether it is true, as stated in such Petition, that the reigning Nawab has kept for many years, and is still keeping, the family of Nawab Seeda Abdoul in confinement in a fortress at sea; and, whether the Government have taken any and what steps for their release?

MR. GRANT DUFF: Sir, to the first of my hon. Friend's Questions I am able to give a direct answer. My attention has been called to this petition, and there is no validity whatever in the claim of the petitioner. To the second Question I cannot give so direct an answer, for the following reason:—Our relations with the small maritime State of Jungera are of the most curious kind. Unconquerable by our predecessors in the sovereignty of Western India, this little State, although absolutely insignificant in point of material strength, has been unconquered even by us. The attitude of Jungera towards the British Government is partly courteous, partly apprehensive, partly repellent. This attitude our authorities respect, never interfering except when absolutely forced to do so. Although Jungera is so near Bombay, its rude independence is not tempered by the presence of a British Resident, and hence we have not the same facilities for knowing what goes on there that we have with reference to most native Courts. The tenour of such information as has reached us about the affair to which my hon. Friend calls attention is at variance with the information that has reached him, but we intend to make some further inquiries into the matter.

ARMY—EXPENDITURE ON FORTIFICATIONS.—QUESTION.

MR. FAWCETT said, he would beg to ask the First Lord of the Treasury, Whether, considering the state of the Revenue, he will consent to suspend for the present all expenditure upon Fortifications?

MR. CARDWELL: Sir, I will ask permission to answer the Question of the hon. Gentleman. Under the existing Acts there is power to raise £5,950,000 upon a total estimated cost of £7,470,000, and up to the end of last year there had been expended £5,332,806. It will be evident that, in order to complete the works, it will be necessary for the Government to bring the subject again under the consideration of the House. I may suggest to my hon. Friend that the day after to-morrow the state of the revenue will be laid before the House by my right hon. Friend the Chancellor of the Exchequer, and that a Committee was appointed by the right hon. Gentleman who preceded me in my present Office to examine and report upon the whole state of the Fortifications. I have not yet received that Report, but I understand that it is likely to be made very shortly. As soon as it is made it will be laid upon the table of the House, and with these two pieces of information before them the House will be able to form a judgment upon the whole subject.

MR. FAWCETT: Am I to understand that no more money will be spent until the House has had an opportunity of expressing its opinion?

MR. CARDWELL: I did not mean to convey the impression that any orders will be given to stop the present expenditure. I have stated the amount of money which we are empowered to raise, and how nearly the amount already expended has reached that point. At an early period, therefore, it will be necessary that the House should be again consulted upon the subject.

POST OFFICE—INLAND POSTAGE.

RESOLUTION.

MR. GRAVES, in rising to call attention to the rates of Inland Postage on printed matter, said, the first thing which directed his attention to the subject was the discovery that in his own neighbourhood, some three to five miles from the Post Office, the great bulk of the trade circulars were distributed by hand, and not through the Post Office, and repeated inquiries satisfied him that the Post was used for the delivery of circulars to a very small and insignificant extent. He was also satisfied that the tariff of 1*d.* for four ounces amounted almost to a prohibition in the case of circulars, and that a concession by the Post Office of a ½*d.* rate for two ounces of printed matter would be regarded as a boon by the commercial community. Since his Motion had been placed on the Paper he had received many communications on this subject from all parts of the country. Generally speaking, the writers approved the principle of the Motion with which he meant to conclude, but some advocated greater facilities for receiving and delivering letters; some, a reduced fee on registered letters; others, a reduction upon money letters; and some urged a greater payment to the subordinate officials of the Post Office, especially the letter carriers, in consideration of the increased work which such a project as this would throw upon them. But he did not desire to be considered a postal department reformer, and his only object was to reduce the fees for the transmision of printed matter and newspapers, a course which, if adopted, would have the effect of promoting correspondence, and would prove one of the most valuable feeders for the legitimate business of the Post Office. In other countries, where trade and commerce were valued, great facilities were afforded for the circulation of the species of information he referred to. In the United States 1*d.* carried three circulars throughout the length and breadth of the land. In France, where the postage on letters was 1*d.* within the barriers and 2*d.* outside, one-tenth of 1*d.* carried a circular throughout the whole of the country, including Algiers. In Belgium, with a letter postage of 1*d.*, a similar reduction was made for the delivery of circulars; England alone continued to levy a tax on the distribution of circulars, which were acknowledged to be a necessity for commerce. He had tried to ascertain the amount of circulars distributed by the Post throughout the whole country, but he had not been able to arrive at any conclusive result. By the Post Office Reports it appeared that 4,500,000 printed circulars were delivered in the London district in 1865, and, assuming that about one-third of the letter correspondence of the country was distributed in the metropolis, the amount of circulars distributed in the whole of the United Kingdom might be taken to have been at that time about 13,000,000, yielding a revenue of £54,000. It was difficult to ascertain the number of circulars delivered by private hand. A short time ago an effort was made in Liverpool to discover the number, and about 238 replies were received in answer to applications for information on the subject, showing the number of circulars delivered by private hand in that town in the course of the year approached 2,000,000; and some of the replies stated that if the postage were reduced to ½*d.* for two ounces' weight one-third of the number would be sent through the Post Office, and that if the postage were reduced to ¼*d.* nearly the entire number would be so sent. The private delivery of circulars offered a great inducement, on the score of economy, to tradesmen. In London there is a company called the Letter Circular Delivery Company, formed entirely of those persons whose circulars were delivered by means of the company, as it would be illegal for any third party to interfere with the

Post circulation; and here he might observe that, as the Post Office claimed a monopoly, that establishment ought either to deliver circulars at a moderate and economical rate or permit others to do so. One firm on Saturday sent to the company he had mentioned 50,000 circulars for distribution. Their charge was ¼*d.* each for circulars, and ½*d.* for newspapers. There was also another society which assisted in the circulation of printed matter—namely, the Corps of Commissionaires, and their charge for delivery all over London was 5*s.* per 100 up to 1,000, and after 1,000 the charge was by a graduated scale to 1*s.* 6*d.* if the number exceeded 10,000. It had been suggested to him that he should go further than proposing a charge of ½*d.* for two ounces, and propose a charge of ¼*d.* for one ounce. Such a result might ultimately be arrived at; but at present he thought it prudent to ask for a moderate concession, which he trusted would be granted, especially by a Government claiming so large a measure of support from the commercial interests of the country. It was only right that he should say that during last year he had repeated interviews with the then Chancellor of the Exchequer (Mr. Hunt), and he was led to the conclusion that the right hon. Gentleman was of opinion that circulars and such-like matter should be carried at a cheaper rate, and that it was merely a question of time when such a change should be adopted. In his anxiety to obtain as much information on this subject as possible, he became conscious of a much larger and more interesting question lying behind, one having a great bearing on the social well-being of the people. While the postage of 1*d.* acted as a tax on the trade and industry of the country, it also operated as a serious tax on the education of the people and the diffusion of intelligence by restricting the circulation of newspapers and cheap serial productions, which are now so popular a part of the literature of the country. When the 1*d.* postage system was established, some thirty years ago, 1*d.* papers were not in existence, and the postage might then have borne a fair proportion to the cost of the article. But circumstances were now entirely altered. The number of newspapers published in 1838 was 444, and their total circulation amounted to 26,000,000. He believed he was correct in saying that a single paper, now published in London and printed every morning, had a greater circulation in the year by some 10,000,000 copies than the whole circulation of newspapers in 1838. In 1846 there were 555 newspapers published in the country, two of which only were sold at the price of 2*d.* In 1861 the number of papers published was 1,102, and of these 309 were published at the price of 1*d.* and under. In 1868 the number of newspapers published was 1,372, and of these 50 per cent were sold at 1*d.* and under. Of that number eighty-nine were daily papers, eighty of which were published at 1*d.* or ½*d.* each. He had obtained these particulars from Mr. Mitchell, a gentleman who published the Newspaper Press Directory. He had also looked into the case with regard to the periodicals and cheap serials, published in the metropolis, and he found that there again literature was gradually becoming cheaper and cheaper. There were 198 newspapers and weekly publications printed in London; 75 at a 1*d.* and five at ½*d.* Of monthlies there were 364; ninety at a 1*d.* and twenty-five at ½*d.*, and all these 1*d.* and ½*d.* publications, with not half-a-dozen exceptions, have a direct religious and moral tendency, their aim and object being to educate and elevate the people in religion and morality. There was a disappearance from the list of everything that could be considered of an unwholesome character. This was a most encouraging feature in the literature of the present day, and presented a strong argument in favour of moving in the direction he now indicated to the House. Foreign countries displayed an entirely different policy, with regard to this class of literature, to that adopted in this country. Special facilities were afforded for its circulation in almost every other country, where it was regarded as a means of improvement for the people, and conferring upon them important social benefits. Belgium charged one-tenth of a 1*d.*; had seven daily deliveries in all large towns; and throughout the country had one delivery at every man's house daily. In Italy the same rate was established. In France one-fifth of a 1*d.* carried a newspaper everywhere, even to Algiers. In Tuscany, the Netherlands, Brazil, Portugal, the charge was only one-fourth of a 1*d.*; while in Switzerland it was one-third of a 1*d*. The United States, however, looking to the extent of their territory, evinced, perhaps, the strongest desire to promote the diffusion of popular literature, carrying four ounces for ½*d*. from one end of the country to the other, and when paid by the quarter or in advance the charge was reduced to one-third of a 1*d*. on newspapers; religious periodicals, and agricultural publications issued less frequently than once a week being carried at a ½*d*., and to stimulate subscribers one copy of a weekly newspaper was allowed free within the county in which it was published. The result of this most wise and enlightened policy was apparent in the circulation of these publications. He found that in the United States over 900,000,000 newspapers were circulated in 1860—the latest return he could obtain—or about thirty-four per head of the white population. In England, unfortunately, we had no record of the total circulation of the newspapers; but, looking to the Post Office Returns, and taking everything in the shape of printed matter that went under the head of "Book Post"—which, he believed, meant everything not being a letter—the total number of packages delivered in England through the Post was last year only 102,000,000 or three and three-fourths per head of the population. The letters written amounted to twenty-six per head. France, in 1867, delivered twelve letters per head, and distributed through the post 335,000,000 of packages, or nine per head of printed matter. Belgium delivered eight and a-half letters and ten and a-quarter papers, while Switzerland sent through her post fifteen letters and eleven of printed matter per head. It was only fair to those who were the advocates of the compulsory system of education to say that, in the Report from which he took his statistics, there was an allusion made to the singular number of papers per head in Switzerland, attributing it to the fact that education was compulsory in the Cantons. These comparisons, he was aware, afforded but a poor guide to the newspaper circulation of the United Kingdom. The railways and local distribution it was well known did the great bulk of the work; but they did afford conclusive proof of how insignificant was the use made of our Post for the diffusion of knowledge as compared with those countries which he had named. If France could deliver her 300,000,000 of printed matter the policy which restricted England to 100,000,000, could not be regarded as a wise one, and ought to be altered. The towns lying on the margin of railways would always be amply provided for, but what became of the country parts lying miles away from railways, especially in Scotland, Ireland, and Wales? Where the railway facilities were small the country population required light more than the towns. The Post was the only means of communication, and they should open up its advantages to the rural districts, making each Post Office the centre of distribution, and it would be hard to say what the effect might be in time on the social condition of the people or the revenue of the Post Office. He regarded the circulation of this class of literature as indicating to a great extent the culture and intelligence of the people, and he believed that in the purity of the tone of the Press—especially of that cheap class of literature—in the extent of the demand and the celerity of the transmission, would be found the truest criterion of whether we were or were not progressing, intellectually and morally. With the view of procuring more reliable opinions on this point than he could venture to adduce from his own experience he had consulted one of the largest publishing firms in London, and though the extract was somewhat lengthy he hoped the House would allow him to read it, as it expressed the views of the trade much more clearly than he could do; and it was essential to his argument. Messrs. Cassell, Petter, and Galpin, of Ludgate Hill, in a communication addressed to him, said—

> "One branch of our extensive business as publishers is the issue of numerous weekly periodical publications of an educational character, both religious and secular, published for the most part at the price of 1*d*., and which circulate by hundreds of thousands, and in the distribution of these we find that the number of copies sent through the Post barely amounts to one in every thousand copies issued. This fact of the Book Post being almost of no avail as a means of distribution of our publications is due, not to the lack of demand, but to the circumstance of there being no lower rate of postage than 1*d*. on printed matter. We now circulate through various channels 30,000,000 copies per annum of our various educational publications, and we state unhesitatingly that in the event of the adoption of a ½*d*. postage to carry printed matter (not exceeding two ounces) we should in a very short time be

sending through the post twenty copies of our serial publications where we are now only sending one copy. This estimate is based upon existing facts within our own present experience, without making any allowance for the active development of this mode of reaching a very large section of the community who are being constantly and progressively educated into the requirements of a wholesale literature; and this increase would manifest itself mainly in those numerous outlying country districts where the expense of the present postal delivery is comparatively very disproportionate to the returns, and in respect to which the increased facilities would be in a still greater degree effectual in affording to the bookselling trade of the chief local towns the means of rapidly extending their operations, inasmuch as that, being now unable to count upon a remunerative mode of transmitting small packets of publications, they are in the habit of declining to keep stock, thus retarding the distribution and increasing the difficulty with which the producer has to contend. If they could, however, avail themselves of a lower rate of postage a constant delivery would in all directions be kept up, and each district would become, as it were, a distributive agency, the first copies so sent serving but as pioneers for additional and increasing demands. This feature of the result would, it is palpable, act in no small measure upon the increase of the railway traffic which would benefit directly by the transmission of considerable extra material from the seats of production to the secondary points of local distribution to which we have referred. Thus, not only would the Post Office revenue receive its advantage, but the railway revenue would be correspondingly benefited and the wide and important elements of legitimately-expanded commerce and of improving agencies acting upon the masses at large would be simultaneously brought into play. Beyond these considerations, arising out of the present condition of affairs, there are large publishing operations which could not up to this time be calculated upon as safe and permanent by reason of the difficulties in question, but which, with the improved rate of postage might be very soundly entered upon, the results to the Post Office service from these new undertakings being almost beyond present computation.

These were the grounds on which he ventured to bring this question before the House. He was conscious of the disadvantages under which a private Member laboured in bringing a question of this magnitude before the House, and he did not know that he should have undertaken it if he had not felt confident that both sides of the House—for this was not a party question—would feel sympathy for his views. He was, indeed, only the exponent of views the justice and soundness of which had been acknowledged by the Post Office itself. Last year the Duke of Montrose closed his annual Report in these words—

> "Other applications having for their object to lower the minimum rate of postage for printed matter sent by Post in the United Kingdom, now fixed at 1*d.* for four ounces, are, in my opinion, mere worthy of consideration, with the view of seeing whether such matter not exceeding two ounces in weight could not be taken at a correspondingly lower rate. Indeed, I have, with your Lordship's sanction, made a change in this direction in the case of printed matter sent to places abroad."

The concession had already been made, both to the United States and France, to both of which countries the share of English postage on newspapers had been reduced to ½*d.* If the Post Office could carry newspapers for these great distances and on these expensive routes for ½*d.*, they might surely ask that the agricultural districts of this country might be as much favoured by having their newspapers carried at the same price? Objections to his proposal might be raised on financial grounds, and it might also be said that it would interfere with the legitimate business of the Post Office. These objections were entitled to great consideration; but, after the most careful inquiry, he had no hesitation in declaring his conviction that neither one nor the other would be interfered with beyond a very short interval during the transition period. It was a favourite theory that the Post Office ought not to be a source of revenue; but he was not prepared to say that this was a correct view. It might have been true at one time when the surplus was small; but now that the Post Office contributed to the general income of the country something like £1,500,000 a year, he could not see how any Chancellor of the Exchequer could dispense with the Post Office as a source of revenue; and, so long as the facilities afforded by the Post Office were equal to public requirements and its efficiency placed beyond doubt, he, for one, would not object to let the surplus go into the public Exchequer. There was this to be said, moreover, that the Post Office was the only Department of a taxing character that gave real value in return for what the public paid. No tax was less burdensome than that which was paid upon a letter. With regard to the objection that the bulk of printed matter under the ½*d.* rate would be so large and unmanageable that it would interfere with the rapidity of the delivery of letters, he had more faith in the energy and adaptability of the Post Office than to accept this as a valid argument against so moderate a concession. The Chancellor of the Exchequer, at any rate, might depend upon it that if there was this increase in the weight and bulk of letters there would be no deficiency in the revenue. Another objection might be urged that, by once touching the permanency of the 1*d.* rate they were endangering its stability, and that if the edge of the wedge were once inserted it might lead to the uniform rate of ½*d.* He shared no such apprehension, and believed that the wisest way to maintain the permanency of the 1*d.* rate was to remove the cause of the agitation. At present there was a demand for the conveyance of two ounces for ½*d.* Make that concession, and the 1*d.* rate would be all the safer. He had had some difficulty in dealing with newspapers weighing more than two ounces, and those who had seen the change made in the terms of his Motion might accuse him of vacillation. His object was originally to have left the matter to the discretion of the Government; but it was represented to him that it was too vague to assert the desirability of revising the postage of newspapers, and that, if left as originally intended, an injustice would be done to the larger and more expensive papers. He had a great objection to abstract Resolutions, and he saw that his Motion must lead to the ½*d.* rate on newspapers. He had, therefore, determined to frame his Motion in that sense, and to stand or fall by the ½*d.* rate on all newspapers. With regard to the larger and high-priced newspapers, he had been urged to place the limit at 1*d.*; but, on looking over the statistics, he found that the number of impressed stamps over 1*d.* was comparatively small—not amounting to more than £13,000 per annum, which would be the measure of the boon. He should mention—in regard to his proposed ½*d.* newspaper stamp—that whereas now the impressed stamp carried the newspaper for fourteen days, he would suggest the ½*d.* stamp should only be available for one transmission, and he believed that by this alteration the revenue would gain. If the House thought fit to adopt his Resolution, no time was named when it should come into effect. He would leave it in the hands of the Government to adopt it when circumstances should permit; whether this year or next year he cared not. He would not dwell upon the indirect advantages of his Motion, except as to its effect upon the very important manufacture of paper. The mills for manufacturing paper were studded over the country. A great deal of capital was engaged in the manufacture, and it gave employment to a large number of persons. As the circulation of literature increased, so it gave a stimulus to the manufacture of paper. Some years ago it would have been thought impossible to draw upon the supply without enhancing the price of the article — but now no such argument could be used. Rags used to be the only material of which paper could be made, and he remembered the leading journal offering a reward of £1,000 to anyone who should discover any other material besides rags for the production of paper. Now, paper was made of vegetable materials, of which there was an unlimited supply. As the supply increased, so, of course, the price decreased, and paper which used to be sold at 7¼*d.* per lb. was now 4½*d.* The country fully recognized the part taken by the head of the present Government in this matter; but his labours would not be crowned with entire success until this free circulation of newspapers caused the increasing manufacture of paper to the extent of which he believed it to be capable. For thirty years England had enjoyed the blessings of cheap postage; she had looked on with satisfaction, if not with pride, as country after country had followed the example she had set; she was for many years in the van of postal reform, but now she was in the rear, and behind almost every other country. Stamps of twenty-five countries were attached to a sheet of paper he held in his hand, five representing our colonies, and every one of the stamps was under the value of 1*d.*; the lowest was 1-13th of 1*d.*, and the highest rate was ¾*d.* Surely, England, with her noble free Press and her earnest desire to improve the social life of her people, would not allow it to be said she was to remain behind other countries in postal progress. Had she not the same interest as those countries in the education of her people, religiously, morally, politically, and commercially? In the hope that she would no longer allow this reflection to be cast upon her, in the firm belief that she would move onwards in the path of postal reform, with great deference and respect he would beg to move the Resolution of which he had given notice.

Mr. MUNDELLA said, he had great pleasure in seconding the Motion so ably and exhaustively proposed. A few weeks ago he formed one of a deputation from the Associated Chambers of Commerce to the Postmaster General to present a memorial asking for considerable postal reforms, in order to place the commercial men of this country in as favourable a position as those of other countries. Singularly enough our treaties with European countries were much more favourable inwards than outwards as regards this country, much more in favour of foreigners than of ourselves. For instance, it was much cheaper to post a circular from Palermo to Aberdeen than it was to post one from the House of Commons to the Strand, and it was a custom in this country to send batches of circulars to Frankfort and Italy in order to save 20 or 30 per cent upon what it would cost to post them in this country. Formerly we were justly proud of being at the head of all other countries in our postal arrangements, but now we were in the rear. The postage of a circular in France cost one centime or one-tenth of 1*d.*; in Italy and Belgium two centimes; in Spain less than ½*d.*; and even in Turkey and Greece the rate was much less than it was here. We had adopted a uniform 1*d.* postage, and we seemed unwilling to break through that uniformity; but there was no magic in the 1*d.*, and there was great mischief in it so far as it applied to printed matter. The necessity for the constant circulation of price currents, market reports, and trade communications of all kinds was becoming more and more forced upon the commercial community. Companies had been started for the purpose of delivering circulars, and one had offered to deliver them at 8*s.* 9*d.* per thousand, a number the postage of which would cost £4 3*s.* 4*d.* But the Government had interfered, alleging that the companies infringed the monopoly of the Post Office. In the interests of commerce he asked that something might be done to remove the anomalies he had referred to, and he trusted the noble Marquess (the Marquess of Hartington) would signalize his administration by making some important and beneficent changes. One of his constituents had written to him that he had 400 circulars posted in France for a certain town in that country at a cost of 3*s.* 3*d.*, when the postage of the same in London would have cost £5. These facts showed that there was a necessity for change with respect to circulars, and as regarded printed matter generally the question was deeper and more important. In former days newspapers were the luxury of the wealthy, and when the 1*d.* postage was introduced a very poor newspaper cost 6*d.* Now, in large towns where newspapers could be printed on the spot, or where the railway could bring them from the metropolis with lightning speed, they had become the comfort and relaxation, and, to a great degree, the means of the education of the working classes. Whereas formerly most newspapers were sold at 4*d.* and 5*d.*, he now held in his hand one which could be procured at the door of the House for ½*d.*, which gave good type, good paper, and good matter. But the result of the present postal system was that those cheap newspapers had really no circulation through the post. There were other classes of literature which circulated among the working classes of this country—for instance, a magazine published by Cassell, to the number of 4,450,000 annually, at the cost of 1*d.*, but which when sent, say to an agricultural district, was doubled by the postage in cost, and therefore rendered too dear for the working classes to buy. He trusted the House would endorse the Motion so ably brought forward by the hon. Member for Liverpool (Mr. Graves), for, although we had neglected national education, our cheap Press had given the working people of this country a better political education than that obtained by the working people of any other country in Europe.

Motion made, and Question proposed,

"That, in the opinion of this House, it is expedient to reduce the rate of Inland Postage on printed matter to one halfpenny for two ounces, and that the postage on newspapers should be likewise reduced to one halfpenny."—(*Mr. Graves.*)

Mr. MACFIE in supporting the Motion, said, he quite agreed with his hon. Friend (Mr. Graves), in what he had said, though he thought he had not gone quite far enough. He was sure, however, that if that important and admirably-managed Department—the Post Office—were to take the subject into consideration for itself it would be able to devise a way by which, without interfering with its revenues, it might afford facilities to the public and increase its own business to the profit of the nation. He would suggest, if he might do so, that, where at least a hundred circulars were brought to a post-office and certified to be circulars, they might be stamped for delivery at a ¼*d.* each. He was certain that a ½*d.* postage would be too high for circulars, and he feared that it would be found too high for newspapers. He lived seven miles from Liverpool, and if he had a Liverpool daily newspaper or *The Times* through the post, they would not reach him until the morning of the day after publication. Hence his Liverpool newspaper was sent by rail, with a ½*d.* railway stamp upon it. But in order to obtain his newspapers he had, at some inconvenience, to send a special messenger to the railway station to fetch them. The Controller of the Penny Post was dismissed in 1700 in consequence of a complaint that he forbade the taking in of a bandbox, which showed that the idea of a Parcel Post was not new, but dated as far back as the century before last. The Post Office delivered parcels at three rates—the first was uniform with the rate charged for letters, the second was adopted for patterns and samples, and the third was the rate for books and printed matter. It was clear, and it was desirable, that the first of these rates should be reduced; and he would go farther and say that it was desirable that all parcels should be carried, under certain restrictions, at the book-post rate. If books could be carried at a profit—and he had proof that there was a large profit derived from the carriage of them—any other parcel might be carried at the same rate. A book might be sent of considerable weight; patterns and samples are not permitted to be more than 1½lb. weight. The use of the Patterns and Samples Post was lessened in consequence of its unfortunate name. If it were merely called a Parcel Post, numbers of persons would make use of it who now do not. The domestic affections are preserved by the transmission of little articles as presents, but they could not be sent by any satisfactory mode at the present time. There were places within four miles of his residence to which it would be impossible to send even the smallest parcel without the expenditure of shillings. The Post Office had already had much extraneous business put upon it to the great benefit of the nation—exchange and savings banking, life insurance, the sale of stamps, and it was about to have put upon it the management of the telegraph; and latterly it had undertaken to collect taxes—that is, the dog tax. One great reason why the Post Office should seek to extend its business was that it would enable it to employ more agents who were unconnected with other occupations; for experience had shown that to place the management of the telegraph in the hands of persons in trade gave those persons an unfair advantage over their rivals in business. He hoped the Post Office, without waiting for an investigation by a Committee of the House, would themselves institute an inquiry on this subject. He felt certain the result of that inquiry would show that by adopting the hon. Member's suggestions they would immensely benefit their *employés* and the public.

THE MARQUESS OF HARTINGTON said, he felt sure the House would quite agree with him in acknowledging the great ability and moderation of tone with which the Motion under discussion had been brought forward by the hon. Member for Liverpool (Mr. Graves). He hoped, he might add, that the hon. Gentleman would be satisfied with having invited the attention of the House and the public to the very important question involved in that Motion and with the assurances which he, on the part of the Government, should be able to give him, and would not deem it necessary to call upon the House to confirm the principle embodied in his Resolution. The hon. Gentleman had, in the course of his speech, said that he was as much as any one opposed to abstract Resolutions; but if ever there was a Resolution which, although it had been brought forward in a manner which was perfectly definite and unambiguous, was of that character the present was one. It would, he thought, be admitted by hon. Members on both sides of the House that it was not desirable, within a very few days of the publication of the Financial Statement of the Government, that the House should deal in a separate and disjointed way with a portion of the revenue. The hon. Member for Liverpool had not stated—and he no doubt had not the facilities necessary for making the calculation—what the amount was of the revenue which would be affected by his proposal, and it was his duty to offer, as far as he was able, some explanation to the House on that point. He had caused a calculation to be made, from which he found that the number of newspapers which now passed through the Post Office with the impressed stamp amounted to 37,000,000 a year; the number with a stamp affixed to, 32,000,000; the number of books and packets under two ounces dealt with by the Resolution to over 8,000,000; and the number of circulars now paying letter rate and contained in covers to no less than 116,000,000. From the whole of these articles a revenue of £656,000 per annum are derived, and, of course, the immediate—he would not say the ultimate—result of the proposed changes, must be the loss of half that revenue. ["No, no!"] He heard hon. Gentlemen dispute that statement. Of course he admitted there would be a recovery; but that recovery would not be immediate. The first result would be that these articles, which now paid 1*d.* at the Post Office, would only pay ½*d.* The hon. Gentleman had observed in the course of his speech that the revenue derived from the Post Office was a very legitimate source of revenue, raised without any very great inconvenience or hardship, and as such a revenue with which it would be the duty of any Government not to dispense. He was obliged to the hon. Gentleman for making these admissions; but, if so, then he must admit that the question must be looked at, he did not say exclusively, but to a great extent, from a fiscal point of view. That being so, he must ask how far the loss of revenue which the adoption of the Resolution would cause was likely to be recovered? It was very difficult—if not impossible—to say what would be the extent of that recovery. The hon. Member had not attempted to give the House any estimate on the point, and he did not see how even the Post Office authorities themselves could make any approximate estimate of the time in which the loss would be recovered; but it would certainly be necessary for the Chancellor of the Exchequer in his Estimate for the first year after the proposed change came into effect to provide for a loss something like that which he had mentioned.

It was evident, therefore, that if the subject were ever to be taken up by the Government, it must be considered by the Chancellor of the Exchequer when preparing his Budget, and the House would be, in his opinion, interfering in a way which he did not think it would be willing to do with the general financial scheme of the Government if they were to sanction the reduction which was contemplated in the Resolution. The hon. Gentleman pointed out that a very small number of newspapers was conveyed by the Post Office as compared with the population of the country. That was perfectly true; but then, as the hon. Gentleman himself had explained, the Post Office was not the means by which the greater part of the newspapers were transmitted from one place to another, and it would not become so if this Motion were passed. In every large town situated near a railway station *The Times* might be had for 3*d.*, and the penny newspapers for 1*d.*—the price at which they were sold in London, and the only purpose for which the Post Office would be much used in their case would be for the purpose of conveyance to the rural districts, and the hon. Member had made no calculation as to the probable circulation of newspapers in those districts should his Motion be carried. The hon. Gentleman referred to the trifling cost at which circulars and other printed matter were distributed by companies and the Corps of Commissionaires in large towns, and it was quite possible that if the Post Office were not protected by the monopoly which it possessed individuals and private companies might compete with it in such places. But then the Post Office performed the duties which it undertook to discharge, not for the benefit of large towns solely, but for that of the country generally, and it would, he thought, be scarcely fair to the Department or to the public that private individuals should be allowed to pick out those localities in which a carrying trade might be cheaply and easily conducted, while the most expensive and most difficult part of the work was left to be done by the Post Office in the rural districts. There was, also, another point of view in which he must beg hon. Members to look at the question. It was urged both by the hon. Member for Liverpool and the hon. Member for Sheffield (Mr. Mundella) that the revenue would very speedily recover the loss which he had stated, and he was not disposed to deny that such might be the case. It was quite evident, however, that before those anticipations could be realized the number of newspapers, book packets, and circulars conveyed by Post must be more than doubled in amount, and that change could not be brought about without very great disarrangement and very considerable alteration in the general system of Post Office management. It would be impossible, for instance, that if the work to be done were increased to such an extent, it could be transacted within the present limits of the Central Office in St. Martin's-le-Grand. Any hon. Member who chose to go there might satisfy himself that double the present number of newspapers, books, and so on, could not pass through the Office with its present limited arrangement. There was another point to be considered. The primary business of the Post Office was, no doubt, the rapid and punctual transmission of letters, and he thought that great and just dissatisfaction would be felt if, for the sake of undertaking all sorts of other work, however useful, the punctuality, rapidity, and certainty which now existed in the transmission of letters were at all impaired. Already the chief difficulty with which the Post Office had to deal arose from the bulk and weight of the matter transmitted. For instance. one means of accelerating the mails had been the use of apparatus by which bags were deposited from trains without stopping the trains. It was not practicable to dispose in this way of bags containing heavy matter, and if the weight now carried were more than doubled, as it would be if the Motion of the hon. Member were acted upon, it would not be possible to use this apparatus to the extent to which it was now used. Another means of facilitating the mail was the practice of sorting the letters in the railway carriages during the railway journey; but this, too, would be rendered difficult, if not impossible, by any great additions to the bulk of the mails. He was obliged to the hon. Member for the compliments he paid in the course of his speech to the energy and forethought of the Post Office, and did not mean to put forward those difficulties as insuperable; but he wished to point out that, before asking the House to assent to any change, the hon. Member ought, in justice, to allow the Post Office ample time to consider whether they could undertake this additional business without disarranging that which they performed at present. If the hon. Member consented not to press the Motion, he (the Marquess of Hartington) would engage that, before the financial arrangements of another year were made, this subject should be thoroughly looked into with a view to establish whether, in the first place, there was a reasonable probability that the loss of revenue would not be a permanent loss, and, in the next place, whether the additional duties that would be thus thrown upon the Post Office could be undertaken with due regard to the duties already laid upon them. He thought the hon. Member himself would admit that two conditions ought to be satisfied before any change were made — first, that the Revenue should not be permanently jeopardized; and, secondly, that the present punctuality and rapidity in transmitting the mails should be in no way disturbed. The observations of the hon. Member who spoke last (Mr. Macfie) had no immediate reference to the Motion now before the House; but, no doubt, the subject of the Parcel Post was one of great importance. He had great pleasure in promising that that subject also should be considered, and, on behalf of the Post Office, he might promise that in the future, as hitherto, they would not be unwilling to undertake any business which would be for the public advantage, provided it involved no unnecessary expenditure or loss to the Revenue. He hoped on these grounds that the hon. Member would be of opinion that it was unnecessary to press the Motion, and would be satisfied with the very useful and interesting discussion which had arisen on the subject.

MR. HUNT said, he would not have troubled the House on that occasion but for the few words in which his hon. Friend the Member for Liverpool (Mr. Graves) referred to the views that he (Mr. Hunt) had stated on the subject last year. His hon. Friend stated correctly enough that he was favourable to the proposition; but he had rather overstated what he said on the occasion referred to. Last year his hon. Friend came to him and announced that he intended to bring this question before the

House. He (Mr. Hunt) replied that there was no occasion to put any pressure upon the Government in regard to this matter, because he had already taken the initiative with the Post Office to learn whether the present rates could or could not be reduced, and therefore that he would do all he could to serve his Motion. His attention had been called to the subject principally by a newspaper report of a prosecution instituted by the Post Office against certain individuals for an infringement of their monopoly. Thereupon he wrote to the Post Office authorities that there was clearly a margin for the reduction of the rates on printed matter, and he asked for a full statement of the whole bearings of the question. At that time the Post Office were fully occupied with the Telegraphs Bill, and could not lay their views before him, and then came the General Election and the event which prevented the necessity of any further consideration of the question by him. If, however, the late Government had remained in Office he hoped that the matter would by this time have been ripe for decision. He quite agreed with the noble Marquess (the Marquess of Hartington) that the two considerations, that there should be no permanent loss to the revenue, and that there should be no interference with the regular and punctual delivery of the ordinary letters, must never be lost sight of. But he had been in consultation with the heads of the Post Office, and they agreed in recommending some such plan as this—that printed circulars should be brought to the Post Office at certain stated hours, and that if the parties were not anxious for speed, and would conform to certain conditions, they would be transmitted for a ½*d.* He thought it was quite possible to give facilities for sending such matter through the post under prescribed regulations of this nature. As to newspapers, there was great difficulty in adopting a ½*d.* rate for two ounces, because some newspapers fell within that weight and others exceeded it, so that the proposed reduction would introduce an exceptionably low charge for some as against others. That was a point which required careful consideration, and when the noble Marquess came to consider the subject, he had no doubt the Post Office would be able to make regulations which would be satisfactory to the public, satisfactory to the newspapers as between themselves, and by which there would be no loss to the revenue. After the promise of the noble Marquess that the subject should be duly considered, he hoped that his hon. Friend would be contented with the discussion which had arisen, and would not divide the House. Though he had the strongest feeling in favour of such a change, he could not have committed himself to it without having a full statement of the effect of it, and as a Member of the Government stated that he had no estimate of its probable effect upon the Revenue, it would be impossible for him, having filled the Office he had filled, to vote in favour of the Motion.

MR. GRAVES, in reply, said, he was greatly disappointed at the way in which his Motion had been met by the Government. He should not refuse the pressure that had been put upon him to withdraw his Motion if he were not impelled by a strong sense of duty. The argument of the noble Marquess (the Marquess of Hartington) was exactly similar to those that were urged thirty years ago against the reduction to a 1*d.* rate. There had been no offer of a compromise—his Motion was met by a simple and positive refusal; and on what ground? Why, that the Budget would be brought forward in a few days. Now, according to the noble Lord, the whole amount of revenue that was likely to be sacrificed was £300,000. [Mr. GLADSTONE: Hear, hear!] No doubt the First Lord of the Treasury would think much of this sum; but, in point of fact, there would be no such loss. He (Mr. Graves) had taken the precaution, before bringing this subject forward, to send circulars to some 200 cheap publications in London, asking them in confidence to state what, in their view, would be the increased use made of the post if the rate on printed matter were reduced. Many replied that their circulation would be doubled, trebled, or quadrupled, and the tenour of the answers he received warranted him in asserting that all apprehensions on the score of revenue might be dismissed. As to any interference with the Chancellor of the Exchequer, he thought he had guarded himself carefully on this point by stating that he would leave it to the discretion of the Government when to make the reduction, and he was perfectly willing to add to the Motion words to that effect. As to the correction of his right hon. Friend (Mr. Hunt), he did not intend to put his right hon. Friend's assent higher than he had himself stated. Seeing that he had no engagement from the Government, and feeling satisfied that a strong feeling existed in the House and out-of-doors on this question, he should feel bound to press his Motion to a division. He hoped that hon. Members would not allow their judgments in a vote on that matter to be prejudiced by the mistaken idea that he was seeking to interfere with the financial arrangements of the Government. He regretted that he could not accede to the appeal made to him by the Government on the one hand, and by the late Chancellor of the Exchequer on the other, and he must, therefore, call upon the House to affirm or reject his Motion.

The CHANCELLOR of the EXCHEQUER: I am also, Sir, very much disappointed that the hon. Member for Liverpool (Mr. Graves) should have thought it his duty to press this question to a division; because, really, he scarcely does justice to the tone in which his Motion has been met by my noble Friend the Postmaster General. I really think that, looking to the nature of the question, and to the great interests and great pecuniary considerations which it involves, the hon. Gentleman could not have expected to elicit more from any Member of the Government than what my noble Friend has stated. My noble Friend did not at all set himself against the hon. Gentleman's proposal; but, being at the head of a great Department, and charged with a large responsibility, he asked for that to which I think he is entitled, and which I hope the House will give him—namely, time for carefully examining into this proposal to see whether it can be safely and properly adopted or not. I think, therefore, that the hon. Gentleman got all that he had a right to and could reasonably expect; and that he may probably be prejudicing what may be, for all I know, a good case by prematurely pressing for a division, because he obliges persons to vote against his proposal who have really no hostility towards it, but who only desire to ascertain whether it can be carried into effect in accordance with the public interests. The House must remember that the Post Office is not merely an administrative Department of the Government, but that it is a great business that the Post Office conducts, which must, to a certain degree, be subject to the same rules and principles of action as other businesses; and when the Post Office is asked to make a great change in its mode of carrying on its business, upon grounds however plausible, it takes only a reasonable and proper course when it says—"Give us time to weigh this change maturely and consider whether it will answer or not." We have in the Post Office a Department which not only pays its expenses, but is a source of revenue to the Government. Surely, then, it is not unreasonable to ask that, before that revenue is put in peril by any great or violent change, fair time should be allowed to see how far it can be adopted with safety? I am not competent, and I do not wish, to say a word against the argument of the hon. Gentleman; but there are considerations which must occur to every one as being raised by this Motion. The Post Office revenue is derived mainly from the circulation of letters which pay 1*d.* for half-an-ounce, and if they exceed half-an-ounce, another 1*d.* The writers of those letters are not necessarily rich people, or persons to whom the postage is a matter of indffierence; they are, in a certain sense, the helots who bear the burden of the expense of the Department. Is it, then, not a question worth considering, whether — supposing we accede to this request and carry two ounces of printed matter for a ½*d.*, for the benefit of a particular class of the community, that might not interfere with the possibility of maintaining the 1*d.* postage on letters? If we make a sacrifice like this for a class which is comparatively opulent, and who wish to send out circulars for the purposes of their business, may not the poor also think that they have a claim, and may you not, without sufficient consideration, sacrifice the valuable revenue you obtain from the Post Office — and, by that means, throw a heavy additional burden in the shape of some tax on the very class which you want to relieve? I do not say that that will be so, but that the point ought to be considered. We are playing with great interests; and, Sir, I really have not £300,000 to give the hon. Gentleman. And when he says that he is willing to leave this thing to be done when the Government thinks fit, I must say I hope the House of Commons will not pass Resolutions of that sort. If the House has really considered this question, and is quite certain that this thing can be done, and that nothing but obstructiveness on the part of the Government prevents it, the House has a right to compel them to do it; but if that is not so, I submit that the House will do well not to compromise its dignity, by first saying that a thing ought to be done, and then delegating to any Government the right to say whether it really ought to be done or not, and when. I hope the House, Sir, will take a juster measure of its own weight and dignity, and will not commit itself to a proposal of this kind, dealing with a very large and intricate subject, of which it is not conceivable that it can have considered all the bearings, and that it will set a greater value upon its own utterances than to allow itself to be persuaded into sanctioning, hastily and at once, a Motion, which I am sure the vast majority of those whom I am addressing know may possibly involve some dangerous error. All that can be fairly required of us is that we should carefully look into the question. We recognize the desirability of making the Post Office as efficient as possible, not only for the collection of revenue, but for the diffusion of all sorts of correspondence and printed matter. So far as we can, consistently with safety and with the maintenance of the Post Office revenue, we are quite ready to go in this direction. But I trust the House will not attach too much importance to anything they may honour with their support to attempt to force upon us a Resolution of this sort. Therefore, without pretending to say that the hon. Gentleman may not be perfectly correct in the view he has taken, but only wishing to give that reasonable time for deliberation which the Government ought to have, and also with the view of interposing between the House and its being committed to the adoption of this Resolution without greater information than it can now possess, I beg to move the Previous Question.

Mr. BUXTON said, he wished to confirm what had been stated by the Chancellor of the Exchequer—namely, that there were many Members who sympathized most cordially with the hon. Gentleman opposite (Mr. Graves), in the object he had in view, and who would deeply regret being made to appear to condemn his proposal, when, in fact, they were only condemning the extreme unreasonableness of forcing it upon the House after the assurances given by the noble Marquess (the Marquess of Hartington) that it should receive the fullest consideration. The Post Office authorities had always strenuously endeavoured to do all they could for the public advantage; and the proposal of the hon. Member for Liverpool might, he thought, for the present be safely left in their hands. He trusted that, under these circumstances, the hon. Member would recognize the propriety of not challenging a division on his Motion.

Mr. BRODRICK said, he had not been aware of how weak the case of the Government was until he heard the speeches of the Postmaster General and the Chancellor of the Exchequer. They had repeated the old stock arguments used some thirty years ago against the institution of the Penny Post. He had been prepared to hear it urged that a very large certain loss to the revenue would be caused by the adoption of that proposal; but what had the Postmaster General told them? Why, that the total immediate possible loss would be about £300,000 a year. It lay entirely with the noble Lord (the Marquess of Hartington), to prove that there would be any loss at all. The experiment had been tried in other countries—he believed in France, Italy, Spain, and Greece—and it had worked satisfactorily. The noble Lord admitted that the only reason for the continuance of the existing monopoly was that the Post Office performed its duty to the country. Now, that, he said, was exactly what the Post Office did not do. Its duty in the large towns was performed entirely through the medium of the newspaper agents, and in the villages and the country generally its duty was not performed at all. Those facts he challenged anyone to deny. Therefore the whole basis of the argument against the Motion on that point was fallacious, and if the hon. Member for Liverpool (Mr. Graves) went to a division he must vote with him.

Mr. GLADSTONE: If it is still the

intention of the hon. Gentleman (Mr. Graves) to divide the House, I think it desirable, especially at the commencement of a new Parliament, that there should be no misapprehension as to the precise nature, not merely of the arguments stated in this debate, but likewise of the point on which the vote is to be given. With regard to the arguments which have been stated in the debate, if these were to be dealt with at length, a very wide field might be opened, because we have such Members in the House, as the hon. Gentleman who has just sat down, who looks with contempt on a question involving only £328,000 a year, and says he had no idea how weak the case of the Government was in demanding that there should be any inquiry, or indeed, that any time should be given for the consideration of such a trumpery matter as whether £328,000 a year should be sacrificed, as that could have no possible bearing on the public interest. That is not the view that will be generally taken, nor, I believe, is it the view of the Mover of this Resolution. On the part of the Government, it is contended that time ought to be given my noble Friend the Postmaster General to investigate this very important question. Time is sometimes asked by those who wish to treat it as a pretext for evading the substance of a question. In this instance that is not the case. Neither the speech of my noble Friend nor that of my right hon. Friend the Chancellor of the Exchequer can, I am sure, have conveyed to the mind of any impartial person the idea that we wish to evade this question. The Government are as fully sensible as the hon. Member for Liverpool, who made this Motion, of the strong and special reasons which must induce us to desire a change in the law, in view of the monopoly now possessed by the Government of the low rates at which circulars especially can be distributed, and likewise of the very great public benefit that would accrue from the lowering of the charges on the transmission of printed matter. We have, therefore, a common sentiment and a common purpose. But my noble Friend thinks it necessary to have time to consider what the financial effect of the change may be, and what the administrative effect, as regards the alterations to be made in the mechanism of the Post Office, and the securities and guarantees for enabling him to discharge his main duties to the public, so that the performance of those main duties should not be interfered with by an improvement which, however important, is less important than the performance of the main duties themselves. Under these circumstances we do not propose to go to a division with the hon. Gentleman on the issue he puts before the House; but we do not think it desirable that the House should content itself with the expression of an opinion to which it should take no means to give effect. The hon. Member has absolved the Government from the responsibility of giving effect to the opinion this year, next year, or at any given time; but it is not for the House to place on record a declaration that it is right that these things should be done, and at the same time give a general absolution to the Government as to the time of doing them. Under these circumstances my right hon. Friend the Chancellor of the Exchequer moves what is called the "Previous Question." Probably it is the first time that many hon. Gentlemen now in the House have heard the Previous Question moved. The effect of it will be that it commits those who vote with the Government to no adverse expression of sentiment whatever with respect to the Motion that has been made by the hon. Member for Liverpool; but simply gives them a convenient opportunity of affirming that the present is not an advantageous moment for calling on the House to pronounce a definite opinion, but that it is better to wait until the Executive has examined into the whole matter, and thus be enabled to give the House the best advice which can be afforded. That is the effect of the vote we are going to give.

Whereupon *Previous Question* put, "That that Question be now put:"—(*Mr. Chancellor of the Exchequer.*)

The House *divided:*—Ayes 62; Noes 229: Majority 167.

PARLIAMENT—HOUSE OF COMMONS ARRANGEMENTS—RESOLUTION.

Mr. HEADLAM, in rising to call attention to the Report of the Select Committee of last year concerning the House of Commons Arrangements said: The question was not without importance even when considered with reference only to the comfort and convenience of Members; but, when it was remembered how much influence external circumstances exerted upon the deliberations of a public body, it was no exaggeration to say it was a matter of national importance that the place where the Commons of England met should be such as to enable every Member of the House conveniently and adequately to discharge the duties he had undertaken to fulfil. Tried by this test he had no hesitation in saying that their present House was eminently defective. The truth is that a great change had come over the House during the past few years—not a sudden and temporary change, but a gradual and permanent one, arising from no accidental occurrence, but from well-ascertained causes that had been in operation for some years and which change had been accelerated and developed by the reform of the Constitution in the last year. The change to which he alluded was that out of the 658 Members constituting the House, a larger and a larger proportion every year took a totally different view of their duties and obligations from that which had been entertained by their predecessors. Men now considered that when they became Members of that House they entered into a solemn covenant with those who sent them there to devote their time and energies to Public Business, and to make their presence at its deliberations the general rule, and their absence only an occasional exception. The directly contrary practice prevailed, in former times, when the House consisted, in a great measure, of the representatives of nomination boroughs, who took no general and active interest in the transaction of public affairs. The change he referred to had been more apparent on his (the Ministerial) side of the House, which included many representatives of manufacturing and other large constituencies; but a similar change had of late been observable in the case of those representing rural constituencies. Perhaps the local Press had contributed to this result by constantly urging upon representatives, among other things, that it was incumbent upon them to attend to the business of the House. The building, however, in which they met was totally unfit for such a state of things. There was no doubt about it. It was not a question for argument, but a question of fact, which no eloquence could alter. The House, allowing twenty inches and one-third to every Member, was only capable of accommodating 306 Members, or less than one-half of the total number of which it consisted. He excluded from his estimate the trifling addition which had been made to the House this Session; nor did he think the sacrifice of the privilege of introducing strangers to those seats and the advantage of easy communication with such Members of the Upper House as chose to attend their deliberation was compensated by the few additional seats the change gave them. That change had been made in opposition to the recommendations of the Committee, which reported that—

> "The seats below the Gallery, which are now allotted to Peers and distinguished strangers, might be appropriated to the use of Members; but your Committee think that it would not be possible to find suitable accommodation elsewhere for those who would be so displaced, and it is to be remembered that even the existing provision is often complained of as insufficient."

The area of the House, he repeated, contained seats for 306 Members, but many of those were not good and available seats, and their occupants were unable to take part in their discussions. The problem that every day presented itself for solution was in what manner were the Members who attended beyond the 306 to be accommodated; and he would explain to the House the manner in which this limited number of grants was allotted. He did not know whether the Speaker in his private capacity had ever chanced to look into the House on any evening, when a great attendance was expected, about an hour before the time when he came among them in great state and dignity. But if the Speaker were to do so, the scene presented to his view would really be a most extraordinary one. He scarcely knew to what the general effect of the House could be compared, for it was hardly to be described—it was like a great hatter's shop. Hundreds of hats were to be seen from end to end of the Benches, and on a recent occasion when he came down to the House at three o'clock he found that there was not a single seat which was not occupied by a hat. The next question was to whom did all these hats belong, and where were all the heads to which these hats were appurtenant? The heads were the heads of "reverend, grave, and potent seigniors," Members of that House, who, while their faithful hats were guarding their places, were wandering about the Lobbies and Corridors, exposed to all the dangers incident to such an unprotected state. This was really a serious question, and the presence of so many hats implied a degree of privation which was not fairly to be imposed upon Members. The House of Commons consisted largely of commercial men, with engagements of the first importance, of lawyers in large practice, and of others, upon all of whom their ordinary duties pressed most onerously. But, in addition to the discharge of the duties incident to their position, they were compelled to come down an hour or two before the commencement of the proceedings to place their hats upon the Benches in order to retain seats for the evening. But matters did not rest even there. He believed that if that system were continued, the Speaker would have to decide some difficult and delicate questions. Since he had taken up this question Members had confided to him their grievances, and, according to the statements which reached him, there were certain Members of the House — he did not wish to mention names—who indulged in the luxury of two hats. Whether the statement was true or not, of course it was not for him to say; but he was informed that such things as this occurred—a Member came down to the House, and, depositing, probably, his best hat upon the seat, went off in his second-best hat to discharge the ordinary duties of life, or to pursue the pleasures of society. Such was the statement which had reached him over and over again, and if matters continued as at present, the Speaker, sooner or later, would be called upon to decide whether the proceeding he had described was, or was not, a legitimate method of taking one's seat. But the accounts which had reached him went even further than this. He was assured that there were Members who sent down their servant in the morning to put a hat upon a seat, and then took no further trouble about the matter, conceiving that the fact of having sent their servant down early gave them a paramount right to the seat so secured during the evening. The practice, as it stood, rested mostly upon the Standing Order which gave a priority of claim to Members who attended at Prayers, and he must say that the effect of that Standing Order had been greatly to stimulate the attention of Members to their devotional exercises. The House was generally filled with Members at Prayer time, with the solitary exception of the two front Benches. As he had said very delicate questions were arising, and the House would probably agree with him that it was not consistent with its honour and dignity that the Speaker should be called upon to decide officially such questions of customs or etiquette among the Members. Any one who had been long a Member of the House knew, and recent comers would soon be aware, that one of the great charms of the House of Commons was the graceful social relations which existed between its Members. Many a gallant friendship had been made within those walls, well calculated to stand the storms of the outer world. They had all of them common subjects of conversation; they had gone through similar dangers and perils in gaining admission to the House. They had similar aspirations whilst in the House; and, to say the truth, they had similar dangers ahead that might, perhaps, terminate their career. It has been laid down by the first and greatest authority on the subject that *idem sentire de republicâ* is the best and more solid foundation of manly friendship. These feelings amongst Members contribute, in no small degree, to soften asperities and facilitate Public Business, and it would be a serious evil if these constantly recurring conflicts for seats should in any way diminish the good feeling and cordiality of the House. He would now call the attention of the House to the state of the question he had to bring forward. It would be in the recollection of the House that a Committee was appointed in 1867 to consider the subject of accommodation within the House. At that time there was more than ordinary pressure for places during the debates which took place on the Reform Bill, and consequently there was a general prevalence of complaints on all sides. He took it upon himself to suggest that a Committee should be appointed to consider the arrangements of the House. That proposal met, apparently, with universal concurrence; nothing was said against it in public or in private, and he had every reason to suppose that the House felt the necessity of taking some step upon the subject. In the nomination of that Committee he took no part whatever, leaving that to the usual officers on both sides of the House; but its constitution was eminently calculated to give weight to its recommendations. The noble Lord the Member for Leicestershire (Lord John Manners), at that time First Commissioner of Works, and his right hon. Friend the Member for South Hampshire (Mr. Cowper), who had filled the same office in a previous Administration, were both Members of the Committee; and the official element was completed by his right hon. Friend the present Secretary of State for War (Mr. Cardwell), to whom he desired to express his gratitude for the hearty and cordial support which he then gave him. The present Marquess of Salisbury, then Lord Cranborne; the Member for the University of Cambridge (Mr. Beresford Hope) might fairly represent independent Members. To these might be added the Member for Manchester (Mr. Bazley), who prepared a plan of his own; showing the alterations of which the House was capable; and his hon. Friend the Member for Bath (Mr. Tite), who was at the head of his profession, were among the members of that Committee. In that Committee, from beginning to end, there was not a single division; they sat for two Sessions, and at the end of their inquiry they adopted unanimously the Report which he had the honour of presenting to them. It was hardly possible, he thought, that the Report of any Committee could come before the House with stronger claims to favourable consideration. The Committee, in the first instance, felt it their duty to inquire what alterations the existing House admitted; for they did not consider themselves justified in recommending any structural alteration till they had satisfied themselves that no internal alteration or re-arrangement would be sufficient for the purpose. He at first thought that many things might be done for the improvement of the House within the four walls, without altering the structural conditions. He remained of opinion that, if the House declined to alter the structure, much good would be done by bringing the Ministerial Bench and the front Opposition Bench into the centre of the House, and placing the Speaker a few feet further back. The effect of this would be not materially to increase the absolute number of seats, but it would make every seat equally good both for hearing and for taking part in the debate. He felt so strongly on this point that he had introduced a plan, which would be found in the Report, shewing the form which the House would assume. The removal of the columns that supported the Galleries would also add to the value of the seats underneath them, and clear evidence was given that there was no mechanical difficulties in removing them or finding other means of supporting the Galleries. At the same time he perfectly assented to the view of the Committee that these alterations were not sufficient to meet the requirements of the case, and he fully concurred in the Resolution at which the Committee arrived—

> "That no increase of accommodation which can be obtained within the existing four walls of the present House of Commons will be sufficient to meet the requirements."

The Committee then began to consider what structural alterations might be made. The first and most obvious idea was, of course, to make the House wider. It required, however, but little attention to perceive that any plan of that nature was impossible. The fact was that the walls of the House were the main walls of the building, and supported the roof, while the walls of the Lobbies were merely of a trifling character. If the walls of the House had been merely partition walls, nothing could have been easier than to remove them and increase the width of the House by adding the Lobbies on each side, but, unfortunately, the chief part of the building depended upon the walls of the House and the walls of the Lobbies were of no consequence. The Committee, therefore, unanimously assented to the Resolution proposed by Viscount Cranborne—

> "That any plan for lateral extension of the present House is tantamount to a reconstruction of the House, and cannot be undertaken without the provision of a temporary House."

The Committee then considered the advisability of making an addition to the length of the House—an alteration which he believed his noble Friend the Member for Haddingtonshire (Lord Elcho) still thought might be feasible. It was possible to extend the length of the House by some fifteen feet, and though the same difficulty did not attend this alteration as would be found in the plan of a lateral extension, the Committee came to the conclusion that it would be inexpedient to adopt that plan even if it were possible. For convenient purposes of hearing the building was certainly long enough as it was, and it was extremely undesirable to make it any longer than it was. This view was so strongly entertained by the Committee that on the Motion of the Member for the University of Cambridge (Mr. Beresford Hope) they came to the Resolution—"That it is not desirable to lengthen the House." He felt convinced, therefore, that they could attain no good result by making any structural alteration in the present building, and that any attempt in that direction would only lead to disappointment. Having proceeded thus far, the Committee had then to consider what was next to be done and, with the view of helping them to a decision, plans were prepared by Mr. Barry the architect. These plans, he was glad to say, did not contemplate the destruction of the present House, but rather its restoration to what it originally was—one of the handsomest chambers in the world. The roof would be raised, the ceiling made flat, in accordance with the architectural plans of the architect who designed it, and the windows would be raised to the height which they were before the present false ceiling was erected. They would thus be able to find room for what was so much needed—Post Office and Offices for the various Members of the Government connected with the House. It was then proposed to make a room of suitable size and proportions in the space between the present House and the Library Corridor, taking down the existing Dining Room. One great advantage of this plan was that it might be accomplished without interfering with the duties of the Session. In the interval between one Session and the commencement of the next, there would be ample time to take down the Dining Room and construct the new one. In the interval between the end of the following Session and the commencement of the following one, the new House might be constructed, the great bulk of the work having been previously prepared off the premises. The site he had carefully examined, and he felt there was not the slightest difficulty in building upon it a House which would be as large as might be considered desirable. The form of the new House might be any form which was thought most suitable. He hoped the House would understand that the various plans to be found in the Report of the Committee were not plans to which he was desirous to pledge the House. They were merely plans to show what might be done. He certainly, however, did think it advisable that the new form of building should be as broad as it was long, or nearly so—at all events, that it should not be an oblong building. With such a building there always was a strong tendency to concentrate the speaking and the business at one end; but this would be avoided by arranging that those who had charge of the business should sit in the centre of the chamber. It might seem strange that they should talk about building a new House, seeing that the present one had been constructed at a great expense only twenty years ago. Why, it might be asked, was not a proper and convenient House built at first? His answer was, that the House was built for quite a different state of things to what now existed. It was adapted to the requirements of the House of Commons of former times, when the whole of the ordinary business of the House was transacted by some small proportion of the Members, the great body only assembling on special occasions, when their attendance was energetically sought after, and who when they attended regarded the cheering of the Ministers whom they supported as their chief, if not their sole, Parliamentary duty. With the exception of one Member—the present Secretary of the Treasury—the Committee were all of opinion that the present House was not large enough; but the opinion of his hon. Friend appeared to be founded on the idea that it was not desirable that many Members should attend. But they all knew that it was impossible to expect that there would be any diminution in their numbers, especially since the passing of the late Reform Bill; and, now that they invited the large towns and the counties to send up 658 Gentlemen to represent them, it was not right to provide seats for about half that number only, and to make no provision for the remainder. The estimate for the new House was £120,000, and he did not see the slightest reason why it should exceed that sum. He asked the House to consider whether, after having expended such an enormous sum of money on the Palace at Westminster, it would not be advisable to provide a place of meeting, such as that to which he has just referred, when there was every reason for believing they might do so for an expenditure of £120,000 spread over two or three years? In conclusion he had only to say that he had fulfilled his duty in bringing the matter before the House. Had he not done so he would have failed in his duty to the House which had appointed the Committee, and he should also have failed in his duty to the Committee over which he had presided, and which had adopted unanimously the Report. He had however no wish to argue the question or to press it upon the House if it were reluctant to adopt it. He concluded by moving, "That this House, agreeing in substance with the Report of the Select Committee of the year 1868 concerning House of Commons Arrangements, recommends the same for the consideration of Her Majesty's Government."

Mr. W. F. COWPER, in seconding the Motion, said, he did so after having given very careful attention to the subject and to the proceedings of the Committee. This building combined great defects with great merits. The grandeur of the central hall and corridors uniting the two Houses had been obtained by the sacrifice of convenience in the parts adjacent to the House. There was a deficiency of accommodation for those who were desirous of taking part in the business of Parliament. The room in which they were debating was well adapted for the number of Members provided with seats. The arrangement of the seats enabled hon. Members, without vocal utterance, to indicate their political opinions. The Table was, he thought, in the right place; and the building was well constructed for the transmission of sound to the listeners. The ventilation was the most elaborate in existence; 2,500,000 of cubic feet of air passed through the House every hour, and the thermometer always stood at the same temperature. But the great defect of the House was that there were not seats enough for those Members who wished to take a part in the business; and the consequence was that those who were anxious to secure seats from which the Speaker's eye could be caught were obliged to make arduous efforts to effect that object. Many Members had obtained their seats by years of preparation and canvassing, and when they reached the House to exercise their right of sitting, they found no seat except in metaphor. During the present Session hon. Members had been obliged to come down two or three hours before the time at which the Speaker took the Chair if there was any matter of great importance on the Paper. This was really a great tax upon the time and powers of endurance of hon. Gentlemen, and some remedy ought to be provided. It was not necessary that a House should be constructed large enough to accommodate all the Members in the body of the building, because although this might be advantageous on important nights, the emptiness of a very large chamber upon ordinary nights must have a very depressing effect. The present accommodation, however, should be very much extended. There were at present 306 seats in the body of the House, 122 seats in the Gallery, and thirty-six seats below the Bar, making 464 seats in all; from which it followed that, if all the Members of the House were present at the same time, 352 of them could not find seats in the body of the House, and nearly 200 of them could not find seats at all. The estimate of the accommodation which would be required in the present House had been formed from the accommodation afforded in the old Saint Stephen's Chapel which had been in use before the fire; but, as had been pointed out by his right hon. Friend (Mr. Headlam), a great change had occurred in respect to the attendance of Members and the number who took part in the business of the House. An early attendance was secured by the habit which had grown up of late years of putting each evening to the various Ministers Questions on all the subjects and all the occurrences that were supposed to come within their Departments; and the application of this inquisition to Members of the Government and the ingenious efforts of Members to express their opinions in the form of Questions excited an increasing amount of interest. The seats, however, which had been engaged for the first stage were not occupied during the subsequent proceedings. But this artificial attendance for about half-an-hour increased the difficulty of getting seats; but he thought it would be admitted that the number of seats should be regulated by the number of Members who were present when there was an ordinary average attendance. By widening the House, so as to admit of three additional Benches on each side, accommodation might be provided for 100 more Members; and he believed this might be done without in any way impairing the acoustic merits of the building. They could not alter the walls of the House without incurring an expense totally disproportionate with the advantage to be derived from the alteration. In the Commons' Court and Dining Rooms was found sufficient space for the purpose of building such a chamber as he had sketched out, which would be about as long as the present House, but of increased width. The dimensions of the new House for the accommodation of 569 Members would be 63 feet by 63 feet, and 39 feet high, containing 154,300 cubic feet of space. In the body of the House there might be placed 419 Members, instead of 306, as in the present House, and 150 in other parts; and in the whole of the space there would be accommodation, as he had just observed, for 569 Members instead of 464, as in the present House. In making the new House there would be no additional expense incurred for the construction of external walls, and there would be an opportunity of admitting light by skylights and other windows, and the very defective sounding-board, which now served the purpose of a ceiling, would be got rid of. The present House would then revert to its original form, and would be most useful for many of the purposes for which a Lobby was required. The Vestibule would be confined to the use of Members, and might be employed in lieu of the present Newspaper Reading Room, which was obviously inconvenient. It would also offer facilities for the purpose of the Vote Office and the Post Office, and serve as a place where Members might confer with each other without interfering with the proceedings of the House. The new House, situated on the Commons' Court, would likewise possess the convenience of an access to the Library without the necessity of going through an intermediate passage. By the proposed arrangement the new Dining Room would be on the ground floor, on a line with the present Smoking Room, and would be quite large enough for all the wants of the House. The size of the present Dining Room was 104 feet by 19 feet, with an area of 1,976 square feet, and that of the new Dining Room would be 72 feet by 42 feet, with an area of 3,024 square feet. There would be additional seats for Peers and strangers, and better accommodation for ladies and reporters; and, while the arrangements of the new House were being made, the present House might be used without interruption. He thought that, to secure these advantages, it would be well worth while to incur the expenditure which, according to what seemed to be a fair and moderate estimate, Mr. Barry thought would be required for the purpose. The advantages gained would be not merely for the convenience of individual Members, but would afford them facilities for carrying on the important public duties which they were sent to Parliament to fulfil. He, therefore, hoped that the Government would take this matter into very serious consideration, and adopt the suggestions of the Select Committee.

Motion made, and Question proposed,

"That this House, agreeing in substance with the Report of the Select Committee of the year 1868 concerning House of Commons Arrangements, recommends the same for the consideration of Her Majesty's Government." —(*Mr. Headlam.*)

COLONEL FRENCH said, he thought it advisable that hon. Members, and especially new Members, should understand the view taken of this matter by the Refreshment Room Committee. In the first place, he would inform them that the original Estimate for the construction of the Houses of Parliament was £750,000, and that £3,000,000 had already been expended on them, though there was not in the building one good room suitable to the purpose it was intended for. The Dining Room was a long, straggling room, in shape like an hour-glass, it being narrow in the centre, and the consequence was that the waiters jostled against each other in moving about. The Refreshment Room Committee accordingly thought that some change was needed in the room, and three times called the attention of Government to the subject, each time laying before them plans for its improvement, but on each occasion when a suggestion was made for that purpose it was proposed that Mr. Barry should have the designing of the alterations. Now, he did not see why Mr. Barry should have the exclusive right of making the requisite changes; it ought to be open to other architects to send in designs likewise. With respect to the present proposition for providing increased accommodation for Members, he should not like to see the House at once bound to carry out the views of Mr. Barry. It was proposed that the new Dining Room should be on a level with the present Smoking Room, which was level with the terrace in front of the river. But if this arrangement were adopted where would the Kitchens be? Under the bottom of the Thames, as shown in this plan. It would be impossible to get proper ventilation or drainage where it was proposed to place the new Dining Room, and he believed that the Estimate of £120,000 would in course of time be found to have grown to £600,000. Would the Chancellor of the Exchequer undertake the proposed expenditure under present circumstances, with a deficiency? The average number of dinners each Session of Parliament was 8,000, and some regard should be paid to the convenience of Members attending to their public duties. He trusted that, under the circumstances, his right hon. Friend (Mr. Headlam) would be content if Government undertook to turn their attention to the subject without pledging themselves to any particular course.

Lord JOHN MANNERS said, the right hon. Gentleman the Member for Newcastle (Mr. Headlam) had brought this matter so clearly and succinctly before the House that he was certainly not disposed to go over the ground already so well trodden. Probably all would agree that the present House was not sufficient for the accommodation of such Members as wished to take part in its business. But he must go further; he was of opinion that nearly every one of the subsidiary offices connected with the House was inconvenient. The Division Lobbies were insufficient when any large number of Members proceeded to record their votes. The Newspaper Room was scandalous. The Dining Rooms were excessively inconvenient and awkward. The Vote Office was much too small. The Post Office was also too contracted. The Lobby by which they approached the House was far too small. In short, every part of the House was inconvenient, and the accommodation given to reporters was especially complained of. Well, he believed there was not a single complaint brought before the Committee that would not be substantially met if the main scheme of the Committee were carried into effect. After the Committee reported, the Kitchen Committee very properly, in the discharge of their duty, proceeded to discuss that part of the Report which had reference to the Dining and Kitchen department; and he was not prepared to say there was not considerable justice in some of the criticisms which the Kitchen Committee made on that part of the scheme of the other Committee which referred to their own particular department. He did not assert that placing the Dining Room on a lower floor than that of the House was in itself a convenient arrangement. He was himself of opinion that a previous scheme, of a joint series of Dining Rooms, might find favour with the House if it could be carried into effect; but when submitted to the Standing Committee of the House of Lords, for reasons they considered satisfactory to themselves, they thought it unwise to come to the arrangement proposed. He was still, however, of opinion that that was a more desirable arrangement than, he must admit, the rather inconvenient one of having the Dining Room on the same level with the Smoking Room. He would venture to make this suggestion—If the Government took up the proposal of the Select Committee, with anything like an intention of carrying it into effect, it must be done, not departmentally, but as a serious arrangement affecting the whole Government and both Houses of Parliament; and the best plan, as it seemed to him, would be to have a joint Committee of both Houses to examine into the question, whether the proposal of a joint series of Dining Rooms would not be found equally beneficial to both Houses of Parliament. He had reason to believe that the House of Lords were not very well satisfied with the Kitchen arrangements of their own House; and he could not help thinking, if the Government chose to take up the question as a Government, and to show that proper deference and respect which they naturally would show to the House of Lords, the objections formerly raised to the joint scheme might be obviated; but, if it were found impracticable to make such an arrangement with the House of Lords, he did not hesitate to say that the proposal of making a new Dining Room on the line of the Smoking Room, inconvenient as that might be, would be preferable to the present ill-arranged room. He was decidedly of opinion that no attempt should be made to "tinker" the present House. The increased accommodation lately made had obviously been acquired at a loss in another way, and any more attempts in that direction would be very doubtful and unsatisfactory in their result. He deprecated very strongly any attempt either to lengthen or widen the present House, and he hoped, if the Government thought, on mature consideration of the Reports of the two Committees, that the scheme proposed by the right hon. Gentleman was a proper and feasible one they would give it their support, not being a very costly or extravagant one.

Mr. TITE said, he had no intention after the very able opening speech of his right hon. Friend the Member for Newcastle (Mr. Headlam) to go into the general question, either as to the present House itself or the arrangements proposed. He would rather confine himself to the expression of an opinion he had formed on the larger question whether the House could be altered according to the plans which had been suggested. With reference to the lengthening of the House backwards the impression of the Committee was that the advancing of the Table into the middle of the House was out of the question, having regard to the important Benches — the Treasury Bench and the front Opposition Bench. It was possible to obtain a certain number of seats if they put back the Speaker's Chair fifteen feet, as was proposed; but as to extending the side walls and putting three additional seats there after pulling the walls down the thing was obviously impracticable. Looking at the angle which would be created, where would the Gallery be? The whole arrangement was inconsistent with the structural character of the walls themselves. It was perfectly clear it was quite impossible to make such a structural change as that would include without leaving the House for two or three years, and rebuilding the whole of it. With reference to the estimate, his opinion had been asked; and certainly he should know something on the subject. He thanked his right hon. Friend (Mr. Headlam) for the compliment he had paid him which he did not deserve; but when he was asked whether he believed that £120,000 or £130,000 would be sufficient, he must say he did not see any want of validity in the reasons suggested by his right hon. Friend why that sum should be extravagantly outrun. The right hon. and gallant Gentleman (Colonel French) had spoken of the enormous expenditure on the Houses of Parliament. It was not necessary to go into that subject—it was a long and difficult history—the thing was done with and the money paid. Certainly the large increase which had taken place in the outlay on the present Houses was regarded as a scandal in the profession. But then they had to do, not with the architect of these Houses, but with his son, who was known to be a very careful architect, but even if the estimate were doubled, it would, in his (Mr. Tite's) opinion, be a matter of no great importance. Six times the estimate, as had been suggested by a former speaker, was, of course, out of the question.. With regard to the plan itself he was equally positive; he believed the change suggested was reasonable, right, convenient, and proper. He thought the turning of the House into a Lobby for Members, into which the public should not be admitted, would afford great additional convenience to all of them. He believed the space available was perfectly ample, and would give a House infinitely better than the present, both for the purposes of public speaking and business. It would be very nearly square, and would have conveniences of light and ventilation which the present House never possessed. When that building was first opened it was as high in the roof as the House of Lords, and the Gothic windows were carried up another story. It was said they could not hear in it, nor was it very likely they could. But the science of acoustics was much better understood now than it was even twenty years ago; and the square area suggested by Mr. Edward Barry for the new House was not only more convenient, but better suited for acoustic purposes than the present. For these reasons he was of the strongest possible opinion that any attempt to alter the present House was quite out of the question. At the same time he thought the alterations which had been made in the House were a fair and reasonable experiment, and they had been very well carried out. He agreed with the hon. and learned Member for the Tower Hamlets (Mr. Ayrton) that it would be better to have the Dining Rooms where he recommended they should be—on the principal floor. As to ventilation, he knew no ventilation of a public building more complete than that of the present House. However crowded the House might be, he observed that the thermometer rarely rose above 63 or 64 degrees. Any architect could manage to ventilate the new House as well as the present House. It was merely a question of the convenience of Members, and if the new Members did not feel the inconvenience of the present House they would soon do so. The very moderate Resolution of the right hon. Gentleman did not pledge the Government to take steps for building a new House at once. He could not agree in the suggestion of the right hon. and gallant Gentleman (Colonel French) that other architects should be invited to compete with Mr. Edward Barry. They had seen enough of competition for public buildings. It would not be difficult to find an honourable, talented, and able architect, and they would find him in the person of Mr. Edward Barry the architect of the House. He should be sorry if the matter were taken out of his hands.

Mr. BERESFORD HOPE bore testimony to the singular unanimity that pervaded the Select Committee that sat for two Sessions. It was composed of Members from both sides of the House, who viewed the matter from very different points, but who, after thoroughly analyzing and discussing the question, adopted first the Resolutions and then the Report embodying them without a single division. Some of the Members went into the Committee predjudiced against any alteration, others were prejudiced in favour of some particular alteration of the House which they believed would make it useful for the transaction of business. In justice to the architect it was only fair to remember that they were sitting in a spoiled and mutilated building. The original House was built by Sir Charles Barry, but he was not his own master. He

Mr. Tite

won the House in public competition, in the year 1835, under a different phase of the British Constitution, and he had many artistic, professional, and Parliamentary advisers. Sir Charles Barry was, perhaps, too much wedded to the sentimental and leading idea of building both Houses in one line, so that the right hon. Gentleman in the Chair might see from where he sat the Sovereign on the Throne. When the House was at last ready neither the architect nor the Chamber met with fairness. He happened to have a seat during the experimental sittings in the new House of Commons, and he never saw scenes less creditable to the sense and seriousness of the House. It was a hot summer, and the sittings in the new House were on a few Wednesdays. There was a lull in politics just then, and no serious or grave questions, such as had recently occupied the House on Wednesday afternoons, were then before it. The consequence was that Members almost got up debates for the sake of trying the House. To use a vulgar phrase, they regarded the thing as "a lark." Members went up and down stairs to look at the House, and they made foolish speeches in order to try its acoustics. One Gentleman got up in the front Gallery and said, "Mr. Speaker, I have got up to ask if you can hear me?" Under these circumstances, with no question before the House that was worth mentioning, and which would have produced a testing debate, the building was tried and condemned. The result was that the windows and the Galleries were mutilated, the roof was lowered, the just proportions of the House were destroyed, and the Chamber was altered as it was now seen. The question had yet to be solved whether the House was content to own itself wiser than that of twenty years ago; or whether, in false pride, it would perpetuate the blunder then made, to the great discomfort of Members, and the serious detriment of Public Business. The discomfort led to those subterfuges in obtaining seats which had been described that night. The great trouble in getting seats led to this—that those who obtained the best seats were not those who felt inclined or were prepared to take part in the businses of the House. Take the case of some Bill of importance, or a Budget that everyone wanted to hear. If there were a reasonable expectation that a seat could be had in the body of the House, Members who only wanted to listen would be content to come down at five o'clock. But under the present lottery system, what did Members do? Having taken the trouble to come down an hour or two before the Speaker took the Chair, they naturally indemnified themselves by taking the best seats they could get. They thus appropriated seats which would be better occupied by those who meant to take part in the debate. The only remedy was to enlarge the House without lengthening it, for to lengthen it would only be to multiply the number of useless seats—useless for hearing, seeing, and speaking, Above all it was necessary to enlarge the House by increasing the Gallery accommodation. Mr. Edward Barry had proposed a tentative plan which would not only give upwards of 100 new seats on the floor, but thirty more in the Gallery, and would thus bring up the accommodation of Members to less than 100 short of the whole number. A subsidiary advantage of building a new House would be that the present House would be converted into a great private Lobby, which would offer those comforts and conveniences which Members had a right to demand. The House of Commons ought to be the best club in the world. Now it was the worst news room. There was not a society of young lawyers or others who built a house and got their friends to join them in a club who did not provide themselves with a better dining room, news room, morning room, and room for writing letters in than the House of Commons. If a new House were built the present building would be a species of morning room, where Members could sit and hold familiar talk, and arrange and facilitate their business. Instead of having to write their letters in the Newspaper Room and the Division Lobbies, they would be brought close to the Library, and that would become, as it ought, the serious place of retirement for Members. The Division Lobbies of the new House would be twice the width of the present Lobbies, and not one iota of the present accommodation would be taken away. Instead of being the popular representative Assembly, which gave the most scanty and grudging accomodation of any in the world to visitors, the House would not indeed give them enough accommodation, but it would do something to meet the fair and natural anxiety of the people of England to become acquainted with legislative proceedings. As to the reporters, not only would the Reporter's Gallery be enlarged, but it was proposed that accommodation should be made for those gentlemen who represented what might be described as the literary part of journalism, who now crushed and were crushed by those who were engaged in the actual work of reporting the debates of the House. Such enlarged accommodation for the Reporters' Gallery and for all classes of strangers appealed to the favourable consideration of the House, and even if the Estimate of £120,000 were exceeded—and he did not see why it should, because no external decoration would be needed—what would be the question of expense compared with the comfort and convenience which Members and others having business in the House had a right to expect? One advantage of the proposed plan would be that Members could occupy the present building until the new House was opened. He trusted that the Government would have no hesitation in accepting the Motion, which expressed the feeling of the House, and most unmistakably expressed, as he believed the feeling of the public. He warned the House not to be led off upon the false scent started by the right hon and gallant Gentleman (Colonel French). Where the Dining Room was to be was nothing in comparison to the question of rebuilding the House; indeed, the Committee would have probably reported on the same but for the known unwillingness in "another place"—and if they followed that right hon. Gentleman's guidance they would simply punish themselves for having a bad Dining Room by retaining a bad House of Commons also.

VISCOUNT BURY said, it appeared to him there was a general *consensus* that the present House of Commons was unsuitable for the purposes for which it was designed. It was ridiculous that 658 Members should be returned to that House, and that there should only be sitting room for about half that number. In the present House, there was sitting room for only 310 Members, not half the total number. He was sure the constituencies wished their representatives to take a reasonable part in the business of the House, to join in its debates, and when they attended for these purposes to sit in comfort; and he did not believe that the country would grudge any expenditure that was absolutely necessary for the attainment of these objects. The proposal under consideration, however, seemed a grave and serious one, when they were told by an hon. Member (Colonel French) that the estimate of £120,000 was likely to become £600,000, and by the hon. Member for Bath (Mr. Tite), a great authority on the subject, that it might be doubled. [Mr. TITE: I said that double the estimate might be borne with.] Of course, it was not to be supposed that the hon. Member meant to say that he, as an architect and as a Member of the Committee, believed that the estimate which the Committee agreed to would be doubled; but when one heard a professional opinion that double the estimate might be borne with, it made one pause before receiving as gospel the amount of the estimate. The House had been elected upon purity principles and economical principles; it ought, therefore, to hesitate before giving its sanction to this expenditure as one of its first acts; and, at any rate, the responsibility ought not to be assumed by hon. Members below the Gangway, but ought to devolve on the Government. On these grounds, he intended to conclude by moving, as an Amendment, the omission from the Motion of those words which pledged the House to agreement with the Report of the Committee of 1868, and the substitution of words referring the matter to the consideration and judgment of Her Majesty's Government. No one was more convinced than himself of the inadequacy of the present House; no one had observed more closely the inconvenience resulting from that inadequacy. He had often come down to the House at three o'clock in the afternoon, when important questions were expected, and had seen that forest of hats which had been mentioned; and he had noticed an hon. Gentleman have one hat upon a seat and another in his hand or upon his head, thus showing that there were hon. Members who kept a reserve of hats for the purpose of securing seats. He rather thought that the courtesy which had prevailed among Members in the way of recognizing claims to seats was somewhat diminished. Ten years ago great deference was paid to Members who had been many years in the House; a certain seat was kept for Mr. Roebuck, and another was reserved for the right hon. Gentleman now the President of the Board of Trade; and, in fact, many desirable seats were allotted to Members who, from long service, had a right to that consideration. Since he had returned, he had not seen the same amount of consideration shown towards the Members who might be supposed to have acquired a claim to it; but he had seen hon. Gentlemen who certainly ought to have been able to obtain comfortable seats struggling with others for the possession of much less than the twenty inches which was said to be the regulation width of their seats. In the army, a soldier was allowed twenty-one inches to stand upon the ranks, and therefore twenty inches was not a great allowance to Members who had to sit for hours together, especially as many Members from their build and substance required a great deal more, and one Member, at least, who usually sat on the front Bench below the Gangway, ought to have two seats. Peers used to be allowed to occupy the front seats of the Gallery on the floor of the House; but now they were obliged to make themselves as comfortable as they could upstairs. Many Peers had business to transact with Members of the House of Commons, and it was, therefore, right that they should have easy access to the floor of the House. In their Lordships' House accommodation was afforded to the Members of the House of Commons. They were allowed to stand. [*Ironical cheers.*] There were Galleries alone appropriated to them. Surely, hon. Members did not want to sit in the House of Lords itself. He contended that their Lordships had made the best arrangement they could to accommodate the Members of the House of Commons. Having studied the Report of the Committee of 1868, he did not think it proved beyond all dispute that sufficient accommodation could not be obtained within the four walls of the existing House. If the structure behind the Speaker's Chair were removed, fifteen feet or twenty feet would be gained, and by thus elongating the House they could probably attain their object without incurring a large expenditure, of which they could not see the end. Let the

Government say whether this was practical or not. With all respect to Mr. Barry, he (Viscount Bury) did not think they ought to depend entirely upon any architect, however trustworthy he might be; but the Government ought to assume some responsibility, and ought to submit their own plan to the House. Descending to details, he hoped that no sunburners would be introduced, as was suggested by Mr. Barry. On Monday night he was in the room of the Civil Engineers, which was a comfortable room, well ventilated, and seemed to have only one defect, which was that the sunburners dazzled the eyes of the wearied listener who threw his head back and looked up at the ceiling for relief. He also objected to the proposal of Mr. Barry in respect to the ventilation of the House—that of giving double backs to the seats. ["Oh, oh!"] Yes, his proposal was to introduce fresh air from below through the backs of Gentlemen's seats. The amount of lumbago which would be imported by this novel mode of ventilation would make it highly objectionable. If any hon. Member would place his hand near the floor he would find there was a strong upward draught which was not at all conducive either to health or comfort. He was glad to find that in the new House of Commons there was to be a solid floor, by which the cubic contents of the Chamber would be reduced by the 27,500 feet of space under the floor of the present House, and which the voice of an hon. Member had to fill before it reached the ears of the hon. Members who might be listening to him. ["Oh!"] Hon. Members said "Oh!" but if they would take the trouble to go downstairs and place themselves in the cellar underneath the floor, they would hear what was said in that Chamber better than they could when sitting in it. The fact was that a perforated floor did not reverberate — the sound passed through it. He had risen, however, not for the purpose of criticizing the plan submitted to them by the right hon. Gentleman (Mr. Headlam), but to show that the plan was not sufficiently matured for hon. Members to pronounce any opinion upon it at the present moment. In spite of the hon. Member for Bath's disclaimer, he must regard him as an ally as far as concerned his opinion that the House could not depend on the Estimate of £120,000 not being exceeded. Under these circumstances he thought that the right hon. Gentleman ought not to require the House of Commons, who could not have the whole of the facts before them, however carefully and thoroughly they might read the Report of the Committee, to commit themselves to any final decision upon the subject. The responsibility of determining this question rested upon those who occupied the Treasury Bench, and it was for them to decide the matter one way or the other. The hon. Member concluded by moving an Amendment upon the Resolution of the right hon. Member.

Lord ELCHO seconded the Amendment.

Amendment proposed, to leave out the words "agreeing in substance with," in order to insert the word "refers,"—(*Viscount Bury,*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. HUNT said, he was glad the noble Lord opposite (Viscount Bury) had called in question the propriety of the House pronouncing any decision upon the Report of the Committee. He himself should have felt some little diffidence in presenting himself before the House as objecting to a proposition which had been supported with such unanimity, but he was re-assured by the thought that those hon. Gentlemen who had addressed the House in favour of the plan had been Members of the Committee which had presented the Report. He knew from experience what fascination a coloured plan exercised over the minds of hon. Gentlemen of artistic taste; it was impossible to resist the desire to see it carried into effect. It was not surprising, therefore, that the Members of the Committee, having heard the merits of the plan for the new House descanted on by a clever architect, should have become enamoured of it, and prepared to recommend that it should be carried out. But hon. Members should look upon the question as practical men. He felt considerable hesitation in giving in his adhesion to a plan which involved the expenditure of a large sum of money upon a new Chamber. The existing Chamber was, in his opinion, a success. He did not mean that it possessed no defects nor deficiencies, because he had pointed out many when giving evidence before the Committee; but it was a success in respect that it would contain conveniently the number of hon. Members who attended the business of the House on ordinary occasions, and that the voices of hon. Members were easily heard in all parts of it. Now, having a Chamber possessing those qualifications, were they certain that the proposed new Chamber, while offering greater accommodation, would possess the necessary acoustic qualifications? It was evidenced, by many of the large buildings that had been erected of late years, that the principle of acoustics was not thoroughly understood; for in most of them there existed an echo, which rendered it impossible to hear the speaker, and it would be most unfortunate if, after a large sum had been expended upon a new Chamber, it was found to possess so important a defect. With respect to the estimate for building the new Chamber, it was certain to be exceeded, whether by 20 per cent, whether it would be doubled, tripled, or quadrupled, it was impossible to say. Then, again, did not the plan recommended by the Committee contain many arrangements which were certain to be disapproved? He was confident, for instance, that hon. Members would not tolerate the proposed Kitchen in the basement; they would object to going for the purpose of obtaining refreshment to a lower story, which would necessarily be ill-lighted and ill-ventilated. He saw no advantage to be derived from the large Lobby proposed to be provided for the use of hon. Members. If it were to be filled by an assemblage of persons idling about until a speaker of sufficient importance rose to induce hon. Members to return into the House, it would become an intolerable nuisance. And certainly it would not conduce to the dignity or the decorum of the House. If it were to be divided into various reading and writing rooms for the accommodation of hon. Members, that would be another matter; but it would be far from desirable to provide a large Chamber for hon. Members to amuse themselves in when a dull speaker was on his legs. He was not at all satisfied with the present House. It did not contain a sufficient number of seats to accommodate the large number of hon. Members who attended on very important occasions; but he believed that, by very little alteration, and at a very slight expense, additional room might be provided for the accommodation of seventy Members. By a very slight alteration during the Recess, an additional thirty-six seats had already been provided; and he believed, that by placing Mr. Speaker's Chair back a little, and piercing the wall, sufficient room would be provided at very little expense. The fault he found was not so much with the Chamber itself, as with the want of accommodation in its adjacent offices. As he had pointed out before the Committee, there was a great want of accommodation for the official Members of the House, and the rooms appointed for the use of hon. Members generally were most inconvenient. These defects, however, might be remedied without altering the Chamber itself; and if the arrangement alluded to by the right hon. Gentleman of having a joint Dining Room for the two Houses were carried into effect, one of the Dining Rooms thus set free might be converted into offices. The right hon. Gentleman spoke of the artificial attendance from half-past four to five o'clock, in order to witness what he termed the torture of the Government; but was it necessary that a new Chamber should be built for the purpose of accommodating Members for half-an-hour daily? He should wish to ascertain from experience what was likely to be the average attendance of Members of the Reformed House of Commons, before it was determined to build a new Chamber. It must not be forgotten that the appointment of this Committee, and all the agitation upon the subject, occurred during extraordinary Sessions, when the Representation of the People's Act was being considered by Parliament, and when, from various causes, there was an unusual attendance of Members. During the present Session, again, there was the exciting question of the Irish Church, and during the discussion of the Bill introduced by the Government upon the subject there had also been an unusual attendance of hon. Members. But what was the case that night when the personal convenience of hon. Members was concerned? It would have naturally been supposed that every hon. Member would have come down to see that the proper number of inches were allotted to him; but looking round the House he found that there were but comparatively few in attendance. The advice he begged respectfully to offer to the House was not to act hastily and rashly upon the matter, but to wait and see what the average attendance would be before they committed themselves to a large expenditure upon a new building which, after all, might in many respects be inferior to the existing Chamber.

LORD ELCHO said, that, as he had sat on the Committee which had reported to the House on this subject, he desired to make a few remarks with regard—first, to the question of seats; and, secondly, to that of a new House. He might incidentally say that he had already given notice that he should, on Friday next, call attention to the Standing Order relating to seats, but the present discussion afforded him an opportunity of at once stating his views on the subject. There was no doubt, as had been remarked by the right hon. Member for Newcastle (Mr. Headlam), that, owing to the internal conformation of the House and the external conformation of the Members, there was a great difficulty in finding seats in the House, and he was inclined to think that the difficulty was greater in the present Session than in any previous one during his Parliamentary experience. This resulted more from the habits of the present House of Commons than from the number of its Members. Hon. Members might be congratulated by their friends out-of-doors on having obtained a seat in that House; but, in point of fact, it not unfrequently happened that practically they could not find a place wherein to sit. This arose from the habits which originated during the present Parliament, and those habits were, he maintained, in direct contravention of the Standing Orders. His right hon. Friend the Member for Newcastle had pointed out that one way by which Members went to work to secure a seat was to have two hats, one of which was sent down to the House by a servant early in the day. Now, he had often wished to secure the seat which he ordinarily occupied; but when an important discussion was anticipated he found the Bench covered with hats, and, as the right hon. Gentleman had said, the House sometimes presented the appearance of a hat shop. He contended that this was a direct contravention of the Standing Order. The Standing Orders which regulated these matters were Nos. 82, 83, 84, and 85. The 82nd said that any Member present in the House at Prayers should be entitled to secure a place by affixing his name to a seat. It was necessary however that the Member should actually attend Prayers. The next Standing Order said that no Member's name should be affixed to any seat before the hour of Prayers, and that the Speaker was to give directions to the doorkeepers to that effect. The 84th Order was to the effect that a Member who had secured his seat at Prayers was entitled to retain the same till the rising of the House. That Order was dated the 29th of April, 1858, but Members who sat in the House before that time would bear him out when he stated that previously, although a Member might secure a seat by being at Prayers, still, if in the course of the evening a division were taken, the privilege was gone. It was thought, however, that practice should be discontinued, and consequently a rule was introduced that a Member who had secured a seat at Prayers should be allowed to retain it the whole evening. Then there was the Standing Order No. 85, and it was owing to a misapprehension of its bearing that the practices which he considered so objectionable had grown up. Standing Order 85 said that a Member who had not been at Prayers should not be entitled to retain any seat during his absence, although, if he had taken a seat after Prayers, he might be permitted by courtesy to secure it by leaving upon it a book, hat, or glove. It was intended that, if after Prayers, a Member found a vacant seat, which no one had secured by attendance at Prayers, he should be allowed as a matter of courtesy to retain the seat by placing a hat, book, or glove on it while he went out to the Refreshment Room or to see a friend. The discourtesy said to have been shown towards old Members was, he felt assured, quite unintentional. Every Member who was in the habit of securing a seat in this way thought, no doubt, that he was acting in conformity with the Standing Order; but he maintained that every act of that kind was in direct contravention of it. Instead, therefore, of the Speaker having to decide a delicate point in reference to this question, it would be only necessary to enforce the written law until such time as the House might think fit to repeal it. This was a subject which affected the convenience of every hon. Gentleman. Many Members, he might remark, had important business to transact elsewhere, and consequently could not come down to the House early in the day. Now, he wanted to know what was the limit to impersonation in respect of leaving articles of dress in order to secure a seat. Hats, it was well known, were in familiar use. They had already heard of a Gentleman who had two hats, and he had been told of a Gentleman who had three, one of which he wore while the others were used to secure places for himself and his Friend. Indeed, he knew one hon. Gentleman—though he would not give his name—who was in the habit of leaving his hat on his seat at any early hour of the day and going away into the passages and lobbies of the House. And he could assure his right hon. Friend that the Gentleman in question provided against the risk of catching cold by going about the Committee Rooms in an ornamental smoking-cap. The Standing Order said that a place might be retained by a book, a glove, or a hat. Now hats were the articles generally employed for the purpose, though gloves were likewise largely resorted to. He held in his hand a dogskin glove. On coming down to the House to secure a place at prayers that afternoon he found on the seat he usually occupied a pair of dogskin gloves, with the name of the owner written on them, and the intimation that "Mr. So-and-so was at Prayers." Of course, he would not say whose gloves they were; but surely it was never intended that seats should be kept by these devotional dogskins. He maintained that it was a gross abuse, and that, without any ruling on the part of the Speaker, or any new Standing Order, it would be quite sufficient to call attention to the misunderstanding of the 85th Standing Order which had led to the abuse. As a Member of the Committee he might, perhaps, be permitted to say a few words as to the erection of a new House. On this subject no doubt the Committee were so far unanimous that no division was recorded. He himself, however, was strongly of opinion that in this, as in other matters, it would be undesirable to legislate for exceptional cases unless it became positively necessary to do so. Now, his experience showed him that it was only on great occasions that there was much difficulty in preserving a seat, and even on such occasions hon. Gentlemen might listen in the Galleries to the speeches of the principal speakers. The difficulty of getting a seat was an abnormal one, and, therefore, he did not think there would be any justification for going to a great expense until they had tried what could be done within the walls of the House without making any structural change. Although he did not think fit to divide the Committee on this subject, yet, he adhered to his original opinion, and heartily concurred in the suggestion of the right hon. Gentleman (Mr. Hunt) that by piercing the walls behind the Speaker's Chair it would be practicable to get additional accommodation, and to add greatly to the convenience of Members. At any rate, the thing was worth trying. His noble Friend (Viscount Bury) was right in wishing that the House should not be pledged by the original Resolution to the adoption pure and simple of the Report of the Committee, but that the Government should take the responsibility of inquiring into the matter, and of deciding whether the Report should be acted upon or not. The majority of the Committee might probably have been right and he wrong, and he should be perfectly prepared to support the carrying out of the Report if the Government should arrive at the conclusion that the idea of lengthening the House was one which it was not desirable to give effect to. He might remark that with regard both to public and private buildings people formed their opinions too much from drawings and designs, while models were not sufficiently resorted to. The saving of a few pounds by not having models constructed was a miserably false economy. The present House of Commons had acoustically failed, and it became necessary to put up a roof which had disfigured its form. He had put questions to the architect as to whether, in the event of the House deciding to have a new House altogether, it would not be possible to erect a temporary House at a reasonable expense. He was old enough to recollect the old House of Parliament, and he sat for some years in the temporary House erected after the fire. Now he would ask hon. Members who were in Parliament at that time whether the temporary House was not the more comfortable of the two? A temporary House could be made quite as comfortable as a permanent one, and at a cost of some £15,000 they might have a temporary or model House, which they would go into only for the purpose of making trial of its acoustical arrangements, its accommodation, and general convenience. It would have to be raised on foundations which would probably serve for the permanent House, which, it was stated, would cost £120,000, although experience taught them that architects' estimates were not always to be relied on. The President of the Society of Architects had said that there was nothing unreasonable in multiplying by six the architect's estimate. But, without going to that length, it was pretty safe to multiply it by two, and an able architect, with whom he had been in conversation that very evening, had declared that he thought the amount would be nearer £300,000. But whether the cost of the work would turn out to be £120,000 or a higher sum would depend upon its success; and he felt convinced that even the preliminary expenditure of £15,000 upon a model House, in which they should actually sit, would, in the long run, be the wisest and most economical course they could adopt.

Mr. VERNON HARCOURT said, if he rose to make any observations on this question it was only because he occupied a different situation from Members who had previously spoken. The right hon. Member for North Northamptonshire (Mr. Hunt) had said that the only persons who had spoken in favour of the Motion were the Members of the Committee; and the other hon. Gentlemen who had expressed their views were Members who had sat long in the House, had considerable experience, and had got an established position. He never knew an instance which afforded a more complete illustration of how people speak from their own point of view than the speech of the right hon. Gentleman, for he said that he felt no inconvenience from the present state of the House, that he always got a seat when he wanted it, and that he had no difficulty in finding the requisite number of inches at his disposal. They could perfectly understand that such was the case, considering the dignified situation that the right hon. Gentleman occupied; but there was a grievance which the right hon. Gentleman did very strongly feel, for he said there was not enough of official accommodation. That was the inconvenience and difficulty of which the right hon. Gentleman was aware. Now, Gentlemen below the Gangway did not feel the want of official accommodation; what they did feel was the want of unofficial accommodation—at least those who sat on the Ministerial side of the House had not so much room to spare, as there appeared to be on the Opposition side of the House. His noble Friend the Member for Berwick (Viscount Bury), with whom unfortunately he did not always agree, had said this was a question for Her Majesty's Government. Now he ventured to entirely differ from his noble Friend, that he thought it was not at all a question for Her Majesty's Government. Her Majesty's Government from the position they occupied, had seats at their disposal, and very properly, and so had Her Majesty's Opposition if he might so style them; but those who had no seats and had most cause for complaint were those independent Members who sat below the Gangway. If he might be permitted to express the sentiments of a new Member, what he would wish to say was this—that of all the places he was ever in during his life that House was the most uncomfortable and the most unfit for the transaction of Public Business. He had been in the Courts of Westminster Hall, and on circuit it was well known there were many uncomfortable places in which business was done; but of all places for the transaction of Public Business in his experience the most uncomfortable was the House of Commons. He ventured to say that if any busy man could not come down to the House at three o'clock, he might as well go to his club and remain there until the hon. Member for Shaftesbury (Mr. Glyn) should send for him to come down and divide. No doubt there was more accommodation on the other side of the House owing to circumstances to which he need not further advert, and his noble Friend (Lord Elcho), the sole surviving representative of a once famous third party, obtained for himself that accommodation which was once occupied by a more numerous body. But the whole floor of the present House of Commons would not seat anything like the numbers which constituted the Liberal party, even taking both sides of the House for their accommodation, and yet they were asked to be content with what they had. Let them look at the road they had to travel to go from the House to the Library, and he would ask was that a state of things with which they ought to be content? What he wished to observe was that a Committee had been appointed—a Committee upon which no Member of the Government had been placed—he supposed because this was felt to be a question for the House of Commons as independent Members, and not, as his noble Friend the Member for Berwick had said, a Government question in any sense of the word. Well, that Committee had sat and reported unanimously. His noble Friend (Lord Elcho) had been a Member of that Committee and did not oppose the Report, and yet he came down to resist it. That was a course open to any hon. Member, but it rather detracted from the opinion of his noble Friend that he should silently have assented to a Report in Committee which he afterwards came down and opposed in that House. Now, the question for the House that night was whether they were to support the Report of the Committee or to throw it away, and that involved a second question, whether they were to have a new House of Commons, because, as for referring the question to Her Majesty's Government that could do no good, because it was the duty of the Government to refuse to incur any new expense if the House of Commons encouraged them in that course. If the majority of the House of Commons was satisfied with the accommodation they at present possessed, well and good; they would vote for the Amendment of the noble Lord the Member for Berwick. Without, however, expressing any opinion upon any particular plan, he should vote in favor of the Report of the Committee, and upon the broad and general principle that the Committee had declared there ought to be a new House of Commons on account of the present deficient amount of accommodation. He thought the country ought to do what every public company would do, provide a sufficiently commodious place for the transaction of Public Business, and the talk about spending £100,000 to accomplish that object seemed to him to be really trifling with a very grave question. He knew it was the habit to sneer at the large attendance of this new suffrage Parliament. That was much the same thing as, at the public schools, laughing at the boys who were said to be in the habit of reading too much. He did not join in that ridicule. He was very glad to hear from experienced Gentlemen who had sat long in that House that there was an extremely numerous attendance, especially on the Liberal side, and that there was not that gentlemanlike indifference to the business of the nation which might be supposed to have prevailed upon former occasions. Well, if that were so, one of their first objects ought to be to provide accommodation for those who are ready and willing to attend in their places for the purpose of taking part in the conduct of the Public Business.

Mr. DODSON said, he agreed with the observations which fell from the noble Lord the Member for North Leicestershire (Lord John Manners) that this was a very serious question, and that it was one the House should not hastily decide on. It was also a very serious question both as regarded themselves and the public out-of-doors. It was a serious question for themselves, because, after all that had been said, and all the faults that had been found with that House, they ought to remember that, according to the common saying, they might go further and fare worse. That was a House in which whatever might be its defects—and he allowed they were many—they could, at all events, even when it was full, breathe fresh air. ["Oh!"] An hon. Gentleman seemed to question that statement; but he did not think he would easily find another building which, when it contained as many persons as that House occasionally did, was on the whole as regularly and steadily supplied with wholesome air kept at an even temperature. Moreover, that was a House in which they could see and be seen, hear and be heard. Considering the differences of opinion among architects as to the merits of buildings, and more especially as to their acoustic properties, and being in the dark as they were with respect to the character and capabilities of the new building, he thought they ought not too hastily to part with a building which at least answered admirably for the purpose of a chamber of deliberation. But this was also a serious question as regarded the public out-of-doors. This was a House of Commons which had been elected in a great degree in the expectation that it was to carry out the principles of economy. That House had been compared to a club, and they had been told that they ought to be the best club in London. Seeing what large entrance fees people were content to pay to get into the House, it ought to be a most pleasant club. He did not know, however, that the public out-of-doors would be specially pleased if they found that the first step of that economical Parliament was to enter upon a perfectly indefinite expenditure for the sake of improving its own club. The time chosen for bringing forward the question was ill-chosen. An unusually large number of Members, some 220 or more, had been returned at the recent General Election for the first time, and their experience was confined to a few weeks, so that, notwithstanding the observations which had fallen from the last speaker—distinguished among the new Members, and, no doubt, destined to take a high place among Members of the House generally—he believed new Members would not act prudently if they sanctioned the expenditure proposed. In all probability, too, this Session would prove peculiar. A question of unusual public interest was under consideration, and an unusual attendance of Members was the result; but, considering the House was used daily, the question was whether the accommodation sufficed for the ordinary purposes of business rather than for occasions of extraordinary pressure, and for all ordinary purposes the accommodation the House afforded was acknowledged to be amply sufficient. Some had said it would be perfectly safe to agree to the Resolution, because it meant very little, and would bind the House to nothing. He would say to the Gentlemen who adopted that point of view that, if it were correct, they need not feel very anxious to press the Resolution upon the House. He hoped, however, that the House would not adopt it, either in its original or amended form, and he did so because he did not feel that it was an unmeaning Resolution. The House was asked to express a wish for a new Chamber, without pledging itself to any particular scheme, and by so doing to sanction all necessary expenditure for the purpose. That expenditure would amount to a sum no one in the House would pretend to name. The estimate given before the Committee was £120,000; and they had been told by the hon. Member for Bath (Mr. Tite) who was especially competent to form an opinion on the subject that the estimate was exceedingly moderate, and that the cost would not amount to more than double the sum named. If they were to judge by their experience in regard to the cost of erecting the present building, they ought to be very careful how they entered into any undertaking with regard to a new one. He hoped that the House would, at all events, think proper to wait the experience of another Session before it passed any opinion upon the question before it.

Mr. LAYARD said, he thought the question was entirely for the House, and he did not agree with his noble Friend the Member for Berwick (Viscount Bury), who wished to throw the responsibility upon the Government and take it off the House. So far as the Government were concerned they had no very great cause to complain of any inconvenience on that Bench. It was the general body of Members who had to complain. He only, therefore, offered his own private opinion on the subject; but that opinion might be of some value, as he had done his best to ascertain, from authentic and official sources, the real state of the case. He thought all must be agreed that they had only two things to choose between. They must either leave the House as it now was, and make no alteration whatever, or adopt the plan recommended by the Committee. The hon. gentleman who had just spoken (Mr. Dodson), had said that this was a question which should not hastily be decided, because a large number of Members had taken their seats for the first time, and had had but little practical experience of the defects of the House. He would remind his hon. Friend, however, that the Committee which made the Report recommending the construction of a new House was composed of some of the most experienced Members of the House. They were not young Members, but Gentlemen who judged from practical experience, and two of them were predecessors of his in the Office which he now filled, and both of those Gentlemen had spoken that evening and had expressed again the opinion they had expressed in the Committee—that some change was necessary in that

House. As regarded any change which might be made in the present House, within its four walls, he had himself tried what he could do for the convenience of Members. His noble Friend opposite to him (Lord John Manners), and his right hon. Friend behind him (Mr. W. Cowper), were well aware of the constant complaints which were made to the First Commissioner of Works of the want of accommodation in the House. In the present Session additional accommodation was very much needed; but the only way he could find of providing it—and he had had the valuable assistance of the Speaker—was to throw into the House the seats appropriated to Peers and to friends of the Speaker. That was merely a temporary arrangement, and had given rise to some complaints; but it was very difficult to meet the wishes of all persons. Within those walls he did not think it possible to make any other change that would accommodate a single Member more. The next question was whether they could deal with the four walls of the House. Unfortunately they were the four main walls, and supported the roof of the Chamber. Therefore any change that might take place by removing them would be a structural change, involving an enormous expense and the re-building of the whole of the Chamber; whilst, in addition, they would have for two Sessions to sit in a temporary House, which would cost a considerable sum of money. As to where that temporary House was to be placed, he did not see any spot that could be chosen for such a structure without entirely removing the House from all the offices which ought to be in immediate connection with it. He did not think the House would go to the expense, or suffer the great inconvenience of such a change. It might be a question whether the Speaker's Chair should be removed further back. If that were done they would have to destroy the whole of the wall and the back Gallery, and to bring the Speaker's Chair almost up to the wall of the Lobby beyond. It would cost £50,000 to effect that change, which would result in the House being lengthened by fifteen feet, the Committee having expressed a strong opinion against any elongation of the Chamber. His noble Friend opposite (Lord Elcho), had talked about trying an experiment by building a temporary House in the courtyard. That, however, might involve an unlimited expense, for if the first temporary House did not succeed they might go on building others indefinitely. He thought there was no necessity for trying any such experiment, for they were now sufficiently well acquainted with acoustic principles and the wants of Members to enable them to decide on something definitely without experiments of this kind. A very ingenious scheme had been proposed by Mr. Newton for the erection of a new House altogether in Old Palace Yard; but there again they would have a very large expense, and their new House would be removed from all the old offices, and would necessitate the entire re-construction of all the business apartments; therefore he put aside any such scheme. The question which the House had to determine was whether the inconveniences of the present House were such as to render it absolutely necessary that a change should be made. All that he ventured to suggest was that whatever inconveniences now existed were likely to accumulate, and to become greater, in course of time for the various reasons touched upon in the debate. The requirements of the reporters would also be greater, and any person who had read the Report and the evidence taken before the Committee must be aware how ill-provided the reporters and the other gentlemen connected with the Press were in their present position. It really was extraordinary—and he thought it reflected the highest credit upon the reporters and upon the Press—that the proceedings of that House were so correctly recorded. The difficulties they had to contend with were very great, as anyone knew who had read the evidence given by the principal reporters sitting in the Gallery. There were many other points which he could mention; but it would be sufficient to say that they were all difficulties which in the nature of things would go on increasing. They might go on as they were for two or three years; but he believed that the House would not consent to go on for many years longer. Some change would be absolutely necessary. After the most mature consideration on the part of those who would be charged with the responsibility of giving effect to whatever plan might be adopted, the only plan which appeared to be feasible was that of building over the courtyard. This would not only combine every advantage that could be gained by building a new House, or by adapting the present House to some new form, but would further offer no interruption to the transaction of business. The building would be completed within two years, and would add immensely to the convenience of the House. At present everyone must be aware how inconvenient it was for Members to go out into the Lobby to get papers, to post letters, or to transact business with anyperson whom they wished to see. He had the honour to be a metropolitan Member, and he almost dreaded going out into the Lobby; if he went to the Post Office, or to procure a paper, he was nearly certain to be caught by somebody wanting something and detained. This was a matter productive of very great inconvenience, which would all be obviated by the building of the new House over the courtyard. The House in which they were now assembled would then be restored to its original form, the false ceiling would be removed, and the hall itself would become a private Lobby for Members, with all the offices needed for their accommodation concentrated within its walls. Rooms would be provided in this inner Lobby for the Ministers, the Secretary of the Treasury, and the right hon. Gentlemen opposite who carried on the business of the Opposition. Members might post their letters, get their Votes, and communicate with the Secretary of the Treasury without going out of the private Lobby. Anybody who had seen Mr. Barry's plans, which were in the Tea Room, would be convinced that the present House, forming a hall of entrance into the new House, would be a magnificent addition to the building, and one of the finest things in Europe. As regarded the expense of erecting this building over the courtyard, he was afraid his hon. Friend the Member for Bath (Mr. Tite) had inadvertently dropped words that would stick to him as long as he remained a Member of that House, but he hoped that they would do no harm to his reputation as an architect; at the same time he (Mr. Layard) thought his hon. Friend had been very much misrepresented. His hon. Friend the Member for Bath said that an hon. Member had referred to the cost of a building always exceeding five or six times the estimate; but what he (Mr. Tite) had said was that anything like that would be destructive of the reputation of an architect, and that even if the cost were double the estimate it would be considered very like an unwarrantable excess. The subject was not one upon which he (Mr. Layard) could undertake to offer a confident opinion; there might be some excess; he could not venture to say that the estimate would be rigidly adhered to; but, looking at all the circumstances of the case, the actual extent of building required, and the restriction to a particular area, he did not think that the expenditure could be very far in excess of the estimate. He might remind the House that the £120,000 would include the cost of the change in the Refreshment department, and the cost of the construction of the new staircase. Some hon. Members had assumed that the alterations of the Refreshment Rooms, recommended by the Committee, were to be carried out; but the Report only contained some suggestions, with regard to placing those rooms on the terrace, that would not be adopted without very great consideration. Mr. Barry had suggested another scheme which was to convert the Conference Room, and two other rooms into a magnificent Refreshment Room, very airy, very lofty, and with a view over the river. The Lords objected on the ground that they required the Conference Room; but Mr. Barry, by means of some slight alterations, would give them a new Conference Room, and, perhaps, the Lords might be brought to agree to the plan proposed by Mr. Barry, and then the House, conjointly with the House of Lords, would have a magnificent Dining Room. There might be great inconvenience in having to go downstairs to the Dining Room, and having to come up suddenly when a division was called; but certainly handsome Dining Rooms opening upon the terrace would be greatly preferable to the present Dining Rooms. The staircase proposed was also a very important matter. At present, there was the greatest difficulty in getting down from a distant Committee Room in time for a division; a Member who happened to be in No. 18 could hardly hope to answer the division bell. The proposed staircase would lead from the Library Corridor to the Committee Rooms, and Members would be able to descend within a few seconds from the Committee Rooms into the House without the inconvenience of having to pass through the outer Lobby. A great many criticisms had been passed upon details, especially by his noble Friend the Member for Berwick (Viscount Bury), who objected to the mode of lighting and of ventilation. These, however, were all matters of detail; neither the House nor the Government were pledged to the plan submitted in the Report. All that the House were asked to decide upon was the principle that a new House was required, and the position in which it ought to be built, and it would be the duty of those charged with the superintendence of its construction to take care that the air introduced was not such as to give Members lumbago, and that the lights were not such as to injure their eyesight. He hoped the House would have no difficulty in affirming the principle which had been submitted for its approval by his right hon. Friend (Mr. Headlam).

Mr. WALTER said, he did not know whether there was anything more difficult in life than to determine the precise period at which it became necessary to alter, enlarge, or pull down an existing building. But he felt quite assured that the present House was altogether inadequate to the wants of that Assembly, and likewise that, whatever else might be done, it was not desirable to make the slightest alteration in the four walls of the present building. On that point he most heartily agreed with his right hon. Friend who had just sat down (Mr. Layard). For many years he had been of opinion that the existing House was totally inadequate to the wants of that Assembly. It was all very well for his right hon. Friend who sat on the Treasury Bench, and for other right hon. Gentlemen who had attained to the dignity of the privileged classes, and felt perfectly comfortable in their seats, to say that they did not want any better accommodation; but it was no joke for Gentlemen who sat below the Gangway, who had to come down at half-past one in the day if they wished to keep the seats they had been in the habit of occupying. That was his own case on the last day of the Irish Church debate; on that occasion he had been in the House for fourteen hours, and had hoped to say a few words himself, but was not seen when he rose, and was in consequence unable to address the House. Right hon. Gentlemen asserted that it was only on exceptional occasions that such inconveniences occurred. But they did injustice in saying this to the great majority of Members in the House. Of late years he had witnessed a much greater disposition to attend the debates regularly than was the case when he first became a Member, and that feeling he believed to be a growing one. Interest in public affairs was increasing, and they might yearly expect to see a larger proportion of what he might call the constant Members of the House. The smallest accommodation that ought, in his opinion, to be provided was for two-thirds of the total number of Members upon the floor of the House, and he had often wished that some patriotic body of Members would make it a practice to address the Speaker from the Gallery in order to impress upon him and upon the House the necessity of finding additional accommodation. He believed that the history of the existing House would be useful as a warning to all who might hereafter be concerned with the erection of public buildings. There was not one single part of the House which was adapted to the purpose for which it was intended; the Libraries were too large, the Dining Rooms too small; the Committee Rooms were the most uncomfortable rooms for business that ever were invented, and the House itself did not hold one half its Members—it would not even contain the whole Liberal party. And the Gentleman occupying the position so worthily filled by the present Speaker was the worst accommodated of all. He contended, indeed, that the whole construction of the House was a solecism and an absurdity. The House of Commons was the only Assembly in the world that did not meet on a solid floor, instead of occupying a chamber suspended in mid-air, with the floor on a gridiron. Indeed, if a fire were kindled underneath they might be comfortably grilled without the floor sustaining any injury whatever. He would not go into any details as to the expense, nor would he undertake to say whether this year or next, or what year, was the precise time for seriously dealing with the subject. He certainly thought that his right hon. Friend the Member for Newcastle (Mr. Headlam) was fully justified in bringing this question before the House, and he should give his right hon. Friend his support, believing that the Resolution which he had proposed pledged him to nothing more than the assertion that the present accommodation was entirely inadequate to their requirements, and that it was the duty of the Government to consider whether some scheme, such, perhaps, as one of those suggested, could not be devised to remedy the evil.

Mr. GLADSTONE: The House will, I think, like to know what my Colleagues and myself conceive to be our position with regard to this subject. We believe that the matter is one on which we ought to look—I will not say for the formal initiative, for that is another matter, but for the guidance of the House, because, as official Members of Parliament, we have no means properly of dealing with this question or of mastering its details. While we are within this House we do not experience the inconvenience which is apparently suffered to a very considerable extent by other Members; and as regards the suitableness of this House for the requirements of those who spend many of the earlier hours within its walls, that is a consideration which has hardly any bearing upon Members of the Government. On this occasion, therefore, we consider it our duty to look for guidance from the House, rather than to offer advice. Then arises naturally the question whether we have arrived at a time at which we could ask the House to favour us with a distinct intimation as to its opinions. I think I may venture to say that, whatever the opinion of the House within fair and reasonable limits might be, it would be our plain duty to follow in a matter of this kind. The principle laid down by my hon. Friend the Member for Oxford (Mr. Vernon Harcourt), that the nation would not grudge the expense necessary to provide fitting accommodation for its representatives, is a principle which I believe to be undeniable. I cannot, however, take the same tranquil view of the expense that has been taken by some hon. Members. I think I ought first of all to give due weight to the authority of my hon. Friend behind me, the Member for Bath (Mr. Tite). Accepting his authority, I take the case to be this—that in the particular instance before us the Committee have certainly made application to an architect who, in rather an eminent degree, may be considered trustworthy as regards adherence to estimates; but, on the other hand, the remarks of my hon. Friend the Member for Bath speaking as he does of the general latitude allowed to professional men are I will not say exactly alarming but certainly not re-assuring.

Mr. TITE said, he wished to explain. He, in speaking, followed an hon. Member who talked of an estimate having been five times exceeded. Now he (Mr. Tite) had no reason to suppose that Mr. Barry was not perfectly competent to frame the estimate; and he said that if it were doubled it would be something.

Mr. GLADSTONE: I do not know whether my hon. Friend's object was to qualify my remark. If so, I think he has rather added force to it. The observation I have to make does not, however, turn upon the question as to whether professional opinion has been lax or straight-laced. It has not been owing to the carelessness of the architect that the estimate for this House has been multiplied four times. It was due to a different cause. When a private person has a design framed for him he is cautious as to introducing changes while that design is being carried into execution. But here you have a fluctuating body who propose continual changes, more or less arbitrary, while the design is in progress, and it is to changes so made that the very large excess of the expenditure over the estimate for the present Houses of Parliament is chiefly due. And this would be the case in the present instance with increased force, because when the Houses of Parliament were first built they were planned upon some uniform principle, whereas in this case we have only a change in an existing building, a change, however, which, in its nature and character, is the subject of widely different opinions. The proverb that "a burnt child dreads the fire" is therefore, to some extent, applicable in this instance. I do not say that the House, after a sufficient experience of the inconvenience, should not be altered; but that the matter would require to be very carefully looked into, and that means should be devised by which the plan once determined upon, should be carried into effect without great alterations. As regards the question of time, too, we believe that we could approach the subject with much greater advantage if we were not asked by the House to undertake it at the present moment. It will not be a fault, but an honour, to the House elected by the new constituency if we are able to assert that the effect of the recent change in our representative system shall have produced a steadier average attendance in the House. But who can say that that has already occurred? It is quite impossible to make that assertion. The experience of two weeks only is insufficient as to quantity, and when we come to consider the quality, the fact is that we have been dealing, and that we shall deal for the next few weeks, and possibly for months, with such a question of great and absorbing interest, and that this constitutes an exceptional state of circumstances, from which it would be extremely hazardous to draw a conclusion for the future. I do not know whether your recollection agrees with mine, Sir, but I sat in the first Session of the first Reformed Parliament. That Parliament, I remember, agreed with the present in two circumstances—in a large infusion of new Members, and in that case a combination of several highly interesting and important questions. And, undoubtedly, there was a crowded attendance throughout the greater part of the Session. But that excess of attendance did not continue, and there was a perceptible decline after a time. Now, although the public would undoubtedly wish us to be properly and suitably accommodated, I think, after what happened in connection with the election of the present House, it is well that we should feel that our ground is firm and solid before we proceed. My right hon. Friend who made this Motion (Mr. Headlam) will not, I trust, understand me in the slightest degree to censure or even question the propriety of his bringing forward the question at this time. As Chairman of the Committee which last year sat upon the subject he might fairly consider himself bound to call the attention of the House to the opinions of a Committee which, from the character of its members, is entitled to considerable attention. But such a question as this ought in the main to be decided by universal suffrage, and the 240 Members who have but newly come into the House, and whose Parliamentary experience is confined to something like a score of nights, are an important element in the case, and we could proceed with much greater security and confidence in undertaking to consider the subject and state our conclusions concerning it if further experience were permitted. Undoubtedly, if we have to adopt the plan of the Committee, we shall be compelled to make a very deplorable confession. It certainly is remarkable that a great country qualified to overcome the obstacles that stood in the way of her enterprize, and to perform feats which make the world almost stand aghast for their arduous and difficult character, should prove itself totally incompetent at an expense of £3,500,000 to erect a Chamber which should last for a single generation. I confess that it is not without some humiliation, without a sense of shame, that I should arrive positively at the conclusion that the necessity for a change had arisen. But I fully admit these difficulties must be faced when the proper time comes and, if we have made a gross blunder with regard to this House, we must retrace our steps as well as we can. In the meantime, I think we are justified in asking the right hon. Member not to place this question in our hands, as my right hon. Friend would do by this Resolution, until many of those who sit on these Benches are in a better position to give the subject their consideration. That is the general view we take of the case. There is nothing in the case which would prevent us from following the indication of the opinion of the House when it is given to us. The Motion of my right hon. Friend, if adopted, would give us that indication very distinctly, and it would bind us to either give effect to the decision of the Committee or to place ourselves in opposition to the recorded judgment of the House. I hope, therefore, it is not unreasonable to ask my right hon. Friend to allow some further time to elapse before that opinion is recorded.

Mr. HEADLAM said, he did not concur with his noble Friend the Member for Berwick (Viscount Bury) in thinking that this was a case in which the Government should act on its own responsibility On the contrary, he thought it was a case in which the House should take a large share of the responsibility, and he had framed his Resolution in that spirit. The Government had not met him with anything like opposition. The plea of the First Lord of the

Treasury was one of delay for consideration, and the First Commissioner of Works admitted that if an extensive alteration were made it should be in the direction indicated by the Committee. He was not anxious that there should be a sharp division in this case, and therefore he would yield to the request of his right hon. Friend at the head of the Government.

Amendment and Motion, by leave, *withdrawn.*

FIRE INSURANCES.—RESOLUTION.

Mr. H. B. SHERIDAN, in rising to ask the House to assent to a further reduction of the Duty on Fire Insurances said, he regretted that his Motion should be brought forward on a day so close to that on which the Chancellor of the Exchequer was to make his Financial Statement; but the Notice was placed on the Paper for the Thursday before the Easter Recess, when he, in common with others, had to give way in order that the important debate in connection with the Irish Church might be continued. He did not, however, expect that the right hon. Gentleman's financial arrangements would be affected by his Resolution; all he hoped was to receive from the Chancellor of the Exchequer an intimation that, as soon as he had the means at his disposal, he would consider the claims of this question and would endeavour to give effect to the expressed wish of the House upon the subject. It was unnecessary for him to go into the merits of the question after the discussions in that House on the subject of the duty on fire insurances, and the very large number of Petitions that had been presented in favour of a reduction. Considering the claims put forward for a reduction or remission of other imposts, the reduction of the fire insurance duty by the present First Lord of the Treasury from 3*s.* to 1*s.* 6*d.* was a large one. The promoters of the movement in favour of reduction looked with satisfaction on what that right hon. Gentleman had done as a first step. The last year during which the duty stood at 3*s.*, it produced £1,600,000; and, though it was impossible at present to speak with accuracy on this latter point, he believed that in the year that had elapsed since the reduction the duty had produced £1,100,000. He might observe, however, that the promoters of the reduction had not supposed that a reduction to 1*s.* 6*d.* would be sufficient to cause such an increase in the number of insurances as would completely recoup the Exchequer. They believed that if there was a reduction to 6*d.* per cent the latter object would be completely effected. He trusted that the Chancellor of the Exchequer would not compel him to take a division, but would give a favourable consideration to the question.

Motion made, and Question proposed,

"That, in the opinion of this House, the Duty on Fire Insurances should be, at the earliest opportunity, reduced to 6*d.* per cent in place of the Duty of 1*s.* 6*d.* per cent now charged; and that such a reduction would have a tendency to improve the Revenue by inducing the insurance of property now uninsured."—(*Mr. Henry B. Sheridan.*)

The CHANCELLOR of the EXCHEQUER: When I consider the difficulties that beset the path of any private Member who wishes to bring any Motion before the House, I do not feel disposed to complain of the hon. Member for Dudley for taking the opportunity when it is offered to bring forward this subject, with which his name is so closely connected. I think it very natural he should do so. He will therefore understand me as not speaking with any disrespect of him, or complaining that he places me in a position I do not wish to occupy. Within less than forty-eight hours from this time it will be my duty to make, and the misfortune of the House to listen to, the Financial Statement for the year; and I may tell the House so much of a secret as that I have resolved upon the recommendations which I shall feel it my duty to make. Under these circumstances the hon. Gentleman invites me to give an opinion on the policy of further reducing the duties on fire insurance. Now, I think it would not be treating the House with proper respect if I were at this moment to give expression to any opinion I may entertain on that question. It will be my duty, within a very short time, to express my opinions as to our financial policy; and therefore it would be trifling with the House, and not acting rightly towards myself, if I were to attempt to play with a subject of this importance, or if I were to give an opinion which might lead to guesses as to anything I may say or do when I come to make my Financial Statement. If this

Motion were brought forward at an earlier period or a later one I might state what I thought ought to be done; but as it would be impossible for me to do so now I hope the hon. Gentleman will not think it necessary to press his Motion.

Mr. ASSHETON CROSS said, he hoped the hon. Member would not divide the House on the question. At the same time he thought that the mere fact of the former reduction in the duty on fire insurance not having answered, so far as the revenue was concerned, could not fairly be looked upon as an argument against the present Motion of the hon. Member for Dudley. If, for instance, the rate of postage had been reduced to a considerable extent, but yet not to the amount at which it now stood, we should, in all probability, never have received the revenue which the country derived from the penny postage. If they had touched this subject boldly they would have increased their revenue much more. This course of proceeding reminded him of the lines—

> "Gently, gently, touch a nettle,
> And it stings you for your pains;
> Seize it like a man of mettle,
> And it soft as silk remains."

And if they touched this question boldly they would reap the benefit.

Mr. D. DALRYMPLE said, he would mention a single instance which was entirely opposed to the view taken by the hon. Gentleman who had just spoken. Sir Robert Peel some years ago entirely abolished the duty on agricultural insurances; and he could state, from his experience as a director of a large insurance office, that since that time the extent of agricultural insurance had not increased in anything like the proportion which the hon. Gentleman seemed to contemplate as the result of the reduction of the duty on fire insurance from 1*s*. 6*d*. to 6*d*.

Mr. H. B. SHERIDAN said, he thought it was scarcely necessary to remind the House that agricultural insurances were of a character which was very soon exhausted, and that all those which were likely to take place had already been effected. The case, however, was altogether different with the profits of commercial industry, which were perpetually increasing. He was sorry to have to add that, not deeming the reply of the Chancellor of the Exchequer to be satisfactory, he should feel it to be his duty to divide the House on his Motion. He did not ask the question with a view to its affecting the forthcoming Budget in any way, but in the hope that the right hon. Gentleman would consider it sooner or later.

Mr. GLADSTONE said, he thought the hon. Gentleman (Mr. Sheridan) had placed a construction upon his right hon. Friend's statement which it did not deserve. The Chancellor of the Exchequer had simply observed that he felt himself precluded from discussing the subject within forty hours of the production of his Budget. Now, that seemed to him to be a very moderate way of putting the case, and as the hon. Member for Dudley desired an expression of opinion on the part of the Government with respect to his Motion, not so much with reference to the present as to future financial years, he could not see why he should be so anxious to press it at once. If the hon. Member pressed the House to a division, he (Mr. Gladstone) thought it ought to be after a discussion in which the right hon. Gentleman should have an opportunity of announcing his sentiments, and therefore he should take the liberty of moving the adjournment of the debate to that day week.

Mr. H. B. SHERIDAN assented.

Debate *adjourned* till *Tuesday* next.

House adjourned at half after
Eleven o'clock.

HOUSE OF COMMONS,

Wednesday, 7th April, 1869.

MINUTES.]—Public Bills—*Resolution in Committee*—Steam Boilers Inspection.

Ordered—First Reading—Court of Exchequer (Ireland) Offices * [63]; Steam Boilers Inspection * [64].

Second Reading—Poor Law (Ireland) Amendment [18], *debate adjourned;* Life Assurance Companies * [35].

Third Reading—Salmon Fisheries (Ireland) * [56] and *passed.*

IRELAND—LICENSING OF BEERHOUSES.—QUESTION.

Mr. KAVANAGH said, he wished to ask the Chief Secretary for Ireland, Whether he would object to have the provisions of the Bill to amend the Law for Licensing Beer-houses extended to Ireland?

Mr. CHICHESTER FORTESCUE, in reply, said, he was quite aware that the beer-house licensing system in Ireland was very unsatisfactory in some respects, and he had examined the Bill to which his hon. Friend referred with a view to ascertaining whether its provisions could be adapted to that country. It would be, however, he thought, somewhat premature at the present stage of the measure to give his hon. Friend any definite answer to his Question. He would at the same time watch the progress of the Bill, and, having seen how the House would deal with it, decide whether it was possible to adapt any part of its provisions to Ireland, or whether it would be necessary to meet the case of Ireland in a separate measure.

POOR LAW (IRELAND) AMENDMENT BILL.—[Bill 18.]

(Mr. M'Mahon, Mr. Blake, Mr. Downing, Mr. Stacpoole.)

SECOND READING.

Order for Second Reading, read.

Mr. M'MAHON in moving that the Bill be read a second time said, it was an exact copy (except as to dates) of the Bill introduced in 1866 by Mr. Serjeant Barry the present Solicitor General for Ireland. The object of the Bill was to extend to Ireland the principle of the Union Chargeability Bill of England passed in 1865. It was desirable that the House should at once understand that the Irish people did not want to have any experiments made upon them. They desired to have either the old English Law of Settlement and Removal, or the new English Law of Union Chargeability. The reason why it was essential that they should have one or the other of those things might be very briefly stated. The first Poor Law Relief Act for Ireland was passed in 1838. As it passed the House of Commons it created union rating and union settlement; but in the House of Lords that had been changed into the monstrous principle that—divisions of unions having been adoped for the purpose of electing guardians—the board of guardians should charge against the electoral division a portion of the expenses of every person relieved who might be stated on the register kept by the master of the workhouse to have been resident within the electoral district, and unfortunately the Government of the day did not feel it to be their duty to resist the alteration made by the House of Lords. Practically that Act did not come into operation until 1841, because the workhouses were not opened until 1840, and the principle of out-door relief had not been adopted in Ireland; but so gross was the injustice of the system as provided by the Bill that it was found unendurable; and in the year 1843 the law was modified, so that no person was deemed to have been resident unless, during the eighteen calendar months preceding his application for relief, he had occupied some tenement, or had usually slept for a twelvemonth within the electoral division; and if he had not, the union became chargeable instead of the division. That, however, had been found far too short a time, and in 1847 something like a satisfactory rule of settlement was adopted, and the law was altered so as to require a three years' tenancy, or thirty months' sleeping within the electoral division. But even the scant regard shown for the sufferings of the poor by those who had evicted large numbers of them, and who sought to get rid of all responsibility of contributing to their relief by driving them into the towns, was outdone by the new proprietors who came into possession of the land under the Incumbered Estates Act of 1848, so that in 1847 an Act had to be passed to make it a penal offence to unroof an inhabited house. They sought only to clear their estates. The poor rate, which was enormously high in many parts of the country, was a real terror to proprietors, and it was therefore found desirable to get rid of the settlement created by the Act of 1847. Accordingly, in 1849, an Act was passed which reduced the settlement qualification to sleeping or occupying a tenement in an electoral division within twelve months before application was made for relief. The operation of that change from that time down to the present had been to cause a general outcry and complaint, and was one of the main causes of the demand now made for union rating. It had encouraged the landed proprietors to clear their estates; and the poor people who were evicted, having no other refuge, had crowded into the towns, and, of course, when overtaken by age and sickness, had to be taken into the workhouse. At New Ross, the borough which he represented, it was the custom for the landlords to clear out before the twelve months had expired. In fact, what happened in New Ross, happened also throughout the country. It had been the practice of many of the landowners to supply these poor people with the means of subsistence for a twelvemonth after coming into the town, and then the very day they had obtained a settlement to withdraw their help, and send them to the workhouse. Ever since 1849 the charge upon the towns had gone on increasing, until now it had become unendurable. The continual appeals for redress at last had led to the appointment of a Committee, in 1861, to inquire into the operation of the Poor Law in Ireland and the administration of Poor Law relief. But that Committee was formed of ten county against four borough and city Members; and as the system into which they inquired was one under which the country was benefited and the towns suffered, it was hardly necessary to say that the result of their deliberation was unsatisfactory. The Committee declared that it was not advisable to alter the law from divisional to union rating. All the county Members, with only one exception, voted this way; the borough Members voting in the opposite direction. The only alteration effected by the Act of 1852, founded on the recommendation of that Committee, was to raise the qualifying period of residence from one year to two. This change was not effectual to prevent the evils complained of; the surplus population was still cleared off the land and crowded into the towns, and in due time became chargeable to the rates. In New Ross, the rating, which, in 1842, was only 5*d.* in the pound, had risen to 6*s.* 2*d.* in the pound. In the Union of Clifden, in Galway, in which there were nineteen parishes, it was found that the township paid one-fourth and upwards of the whole rates, and instead of the eighteen rural electoral divisions being equally assessed with the town, as was the case a few years back, they now paid but 6*d.* in the pound or a little more, whereas the electoral division of Clifden paid 5*s.* 6*d.* or more. He had received numerous letters from correspondents stating the like results in other places. There had been a continual succession of experiments made in Ireland, each more ruinous than another. It had been said that Irish Members should manage their own matters as the Scotch and the Welsh did, in which cases the English representatives did not interfere except by way of assent. But he would remind the House that while the county and borough Members in Wales were just equal in numbers, and those in Scotland nearly so, the Irish Members were unequally divided, the county Members numbering sixty-four against thirty-nine of the boroughs, so that the popular party were unable to assert their claims with success, and they were therefore compelled to appeal to the English and Scotch Members for redress. In illustration of the hardships of the present system, he would mention that one electoral district near New Ross, where the poor rate used to be 3*s.* 4*d.*, did not now pay a farthing, while, as he had said, the rate in the borough had risen to 6*s.* 2*d.* Another evil caused by the present law was that hardly any labouring men were now to be found within some of these electoral divisions. These poor men had to live in the towns. They walked to and fro from the place where they were at work; they were thus tired and worn and could not give a fair day's work; their wives and daughters, also living in town, could not learn the dairy work or the ordinary work performed by women about a farm; and the consequence was that, instead of a surplus of population, there was a deficiency, and a great demand both for male and female labour. In short, by unjustly forcing the labourers into the towns the evils produced were greater even than those which had existed in this country. He trusted that both English and Scotch Members would be cautious before opposing the Bill. Nothing unreasonable was asked in it. All that the representatives of the Irish people asked was to have union rating, or at least the old Law of Settlement and Removal as it existed in England, which would speedily lead to union rating.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. M'Mahon.*)

MR. BRUEN: Mr. Speaker, the hon. and learned Member who moves the second reading of this Bill has detailed to the House grievances and sufferings of the poorer classes in Ireland, under what he alleges to have been the action of a Poor Law passed in 1849, the provisions of which he complains he admits were repealed by an amendment effected in 1862, so that it appears to me he is dealing with hardships not now existing, and which no legislation can now affect. He offers to us in his speech an alternative remedy, either union rating, or the old Law of Settlement and Irremovability of England. But as the Bill before the House chooses the first of these, union rating is the only subject with which I have to deal. His Bill is unpretending and simple in appearance, but conceals under that guise changes which, if adopted, would produce great and prejudicial effects in Ireland. The Bill proposes to alter the area now used for the purpose of taxation under the Poor Law—to substitute the whole union as the area of uniform rating for the electoral division. It is evident that this will increase in some and reduce in others the burden of taxation, which the ratepayers already bear; therefore, the interests of the whole of the ratepayers in Ireland will be touched. It is alleged by the promoters of the Bill that pauperism will be reduced by it, and we admit that it will have an effect on pauperism, but whether to increase or reduce it, is at least a matter of doubt. Thus, it is evident that the measure will affect the interests of all who pay rates in Ireland, of the class that receives relief, and that comprises pretty nearly the whole of society in Ireland. Now, I say at the outset that a question involving such great interests—one on which such a difference of opinion exists as to its probable reresults—ought not to be brought forward when we are absolutely without information founded on statistics as to its effect upon different districts in the country. There is not an owner of real property in Ireland who will not have his burden of taxation altered, and it is the barest justice to those who are called on to suffer loss by the operation of this Bill—and they will be by far the largest class—to give them an opportunity of estimating the extent of that loss before the question is decided; and this can only be done by examining the Returns moved for by me and granted by the House, and which have only just been laid on the table, but not printed yet. Secondly, I object to a measure of this importance being in the hands of any unofficial Member who, whatever be his talents, his industry, his earnestness—which we must all attribute to the hon. and learned Member—cannot command the time and opportunity for discussing the matter completely and deliberately. When the physical impediments of time or want of time can be opposed, it is a weapon perfectly constitutional in the hands of those who hold strong conviction on any question before the House, but I protest against the degradation which a great question involving policy and justice must suffer when the time necessary for its discussion is wanting, when the issue of it is governed by time as well as proof. In the present case there is a great deal to be said for and against the Bill, which has never been argued before to any extent, and what time has the hon. Member for all this necessary debate? Why, every Wednesday up to the 30th of June is occupied, and Wednesday is his only day. Lastly, I object to the introduction of this measure, so large, so important, at a time when men's minds, in the House and out, are occupied and distracted by the consideration of even a greater question; and on all these considerations I appeal to the hon. Member to withdraw the Bill and let us proceed to the discussion of the next subject on the Paper to-day, which is of much interest to English Members, and in which there is some chance of progress. My appeal not being successful, I must say I object to the title of the Bill as conveying a wrong impression. Any person reading it would suppose we had a system of exclusive electoral division rating. We have no such thing; we have union rating in Ireland in so far as it can be usefully applied. By a Return of the Poor Law Commission I find that out of a total of £841,286 spent under the administration of the Poor Laws, £329,700, or 39 per cent, was raised by a union-at-large rating, while £389,621, or only 46 per cent, was raised by electoral-division rate, the balance being dispensary district charges, levied neither on the union at large nor on the electoral division, but on the dispensary district. The fact is we have a Poor Law system which is not in extreme; it combines what is useful of union rating with what is good of division rating. The constructors of our system, and those who from year to year have jealously watched its working, have all wisely determined to recommend to require to give a motive for local supervision. I oppose this Bill because it would supplant a system combined and therefore adaptable to a variety of circumstances, by a system rigid, contracted, and tending towards centralization instead of encouraging individual action and responsibility. I do not believe that such a violent change would be the best way to remedy the inequalities of the poor rate which the hon. Member alleges to be unjust, and which, if he can prove them to be unjust, ought to be remedied. Now, Sir, we are asked to adopt union rating in Ireland as the exclusive system, because it has been adopted in England, and this argument rests on two grounds—first, that the change has been beneficial to England; and secondly, that it would therefore be beneficial in Ireland. Has the change been beneficial in England? I speak on this point with great hesitation, not having practical acquaintance with its working there; but I doubt that the system adopted only four years ago has had time to develop its real effects, and if so it is premature to recommend it to us; but so far as it has gone, what can we judge of its working? By the Report of the Poor Law Board I find that the rate of expenditure per head of the population was 6*s.* 3¾*d.* in 1856, and was regularly reduced until 1860; then came the cotton famine, and for three years the rate rose. In 1865, it stood at 6*s.* per head; in 1866, the first year of union rating, it rose to 6*s.* 1¼*d.*; in 1867, still further to 6*s.* 6¼*d.*; and I am informed on the best authority that in 1868 it was still further increased. I find the same results when I consult the table of the percentage of persons relieved to the population, and I am obliged to conclude that union rating has not acted beneficially here, in the interests of the ratepayers, or in the reduction of pauperism. We are not authorized then to assume that union rating has been a success in England; but even if it had, can we argue that it would therefore be so in Ireland? This turns on two questions. Are the circumstances of England and Ireland alike as regards pauperism; and were the laws of the two countries before the proposed change the same? and I think we must answer in the negative to both these questions. The circumstances of England and Ireland as regards the sources of pauperism are not identical. England has scattered over her surface in every part great industries, attracting large masses of the working classes, and such masses have always attending them a fringe of poverty, sickness, decrepitude,—even in prosperous times a heavy weight—but when prosperity is low, a burden on the poor rates almost overbearing if of local incidence, and in that case too causing discontent because unequal. This is not the case in Ireland, for, with the exception of three or four large towns and the linen districts of Ulster, where the rates are not heavy, the Irish population is dependent on agriculture, and there are no great industries with their great populations of the working classes; and I assert that the inequalities of taxation are not great and glaring, as they were in England before 1865. The hon. Member for New Ross (Mr. M'Mahon) has given to the House instances of the inequalities of taxation in New Ross; he has stated that the poor rate struck on New Ross division last year was 6*s.* 3*d.* in the pound. I venture to say that the rate is a fallacious guide. You ought to take rather the expenditure for the year for relief of the poor, and I find that by a Return just issued, under the authority of the Poor Law Commissioners, the expenditure for relief of the poor in New Ross district in the year ending September 1868 was 4*s.* 11*d.* in the pound, so that the hon. Member may congratulate his constituents that their high rate of 6*s.* 3*d.* was either payment of their debts, or will leave them a balance next year. The hon. Member has also mentioned other instances of inequalities of the poor rate. Now, I have taken from the Poor Law Commissioners' Return just mentioned these facts—There are in Ireland 3,438 electoral divisions; of these, there are only two that have expended 5*s.* and upwards in the pound for the year ending September, 1868, and there are only forty-two which have expended 3*s.* and upwards in the pound, so that the balance 3,398 electoral divisions have expended a sum provided for by a rate of less than 3*s.* in the pound. The smallest charge is 5*d.* in the pound, and that is applicable to only two or three electoral divisions in Ireland. I assert that these high rated divisions are exceptions too few in number, too unimportant in character, to warrant so great a change over a whole country, where, as a whole, the Poor Law system is working smoothly and equally. The inequalities of rate quoted cannot compare with the inequalities that existed in England prior to the change of 1865, and which led to it. I find that then in Bedfordshire the highest rated parish paid 4*s.* 0¼*d.* in the pound, the lowest ¾*d.*; in Berks the highest parish paid 3*s.* 8⅔*d.* in the pound, the lowest 1*d.* In Bucks the highest 5*s.* 9¾*d.*, the lowest ¼*d.* in the pound; in Wilts the highest paid 9*s.* 10¾*d.*, the lowest a ½*d.* in the pound—a difference of 49 per cent in the parishes which lay near each other. These figures show that the provisions of the Poor Law in force in England before union rating were not the same as now exist in Ireland. As I stated before we have union rating, for though I have been unable to obtain the relative numbers of paupers supported by union rating and by electoral-division rate through the whole of Ireland, I can give the House a sample of the whole, by the facts in Carlow Union where, out of a total of 4,208 persons relieved in the year, 1,043 were relieved by a union rate. The English system then, prior to 1865, was an extreme, and when change came, as usual the change was to the opposite extreme. Our Poor Law system of more modern construction, formed on more moderate principles, does not present the anomalies, the insupportable inequalities which led to the change of 1865 in England. I think, then, that the argument, that we ought to adopt union rating in Ireland, because it was adopted in England, is inconclusive, as the cases are not parallel. We must consider the question then on its own merits as applicable to Ireland, and we are told that the effect of the present system is to drive the labouring classes into the towns; that those interested in the rates in the country divisions combine to drive away their poor in order to avoid the liability of supporting them. But do they avoid this liability by so doing? By no means. The hon. and learned Member has already admitted that by the Amendment Act of 1862 the division is liable for any relief given to the poor people for two years after they have been removed from it. And it is evident that under union rating the division would be liable to only an infinitesimal portion of that relief, whether the poor were removed or not. The obvious remedy to the evil alleged would be to lengthen the period of chargeability. But I must give my testimony, as far as my part of the country is concerned, that the accusation is not founded on fact. On the contrary, new labourers' cottages are being built, old ones repaired and improved in answer to the requirements of the farmers. I cannot think, too, that this charge of general eviction of the working classes and driving them from the country to the town is consistent with the testimony of the Poor Law Commissioners, who, in their Report for the year 1867, call attention to the great advance of the population in the last eighteen years in increased comforts as regards their food, their clothing, and their dwellings, and cite as best evidence of this improvement their comparative freedom from epidemic disease—a test which would not be forthcoming if the poor were driven in crowds into the towns. Such authoritative evidence must contradict the charge of wholesale or frequent eviction, and if no such compulsory movement takes place, the conclusion founded on it, that the country ought to support the pauperism of the towns, falls to the ground. I do not deny that a gravitation of the working classes to the towns has taken place —but it is a gravitation perfectly voluntary. The labourer finds he cannot get employment in the country, because the repeal of the Corn Laws has made stock-farming more profitable than tillage, and stock-farming does not employ labour. The country does not drive the labourer to the town, but the town attracts him by offering employment, but that employment is irregular and intermittent, consequently there are recurring seasons of poverty, distress, and high rates. I do admit that there is in this taxation for the relief of the poor and for the other purposes for which it is levied a great injustice and inequality; but I venture to say that the hon. and learned Member has been, in his search for the causes of and remedies for this inequality, too narrow in his view, too contracted in his efforts, he has been looking and working inside the basis of the tax; he ought to have gone outside. We must admit that all industries attract the working classes. They attract their weakness and poverty as well as their strength. You cannot get one without the other; these industries all make their profit by the strength of the working classes, but they do not all help to support their weakness. The tax for the relief of the poor is now levied almost exclusively on houses and land, and no doubt those who derive their income and property from industries connected with houses and land ought, as the law compels them, to support the poverty and weakness of the working classes, through whom they make their profits; but the inequality and injustice is that the law does not impose the same obligation on those who derive their income and property from industries in which the working classes are equally employed, to which they are equally necessary. Their strength is taken but their weakness is not supported. Hence we find that in the towns where there are many industries besides those connected with houses and lands, equally attracting labour, attracting therefore poverty, the burden of supporting that poverty falling on one description of property, falls on it with unequal and galling weight. I venture to suggest to the hon. and learned Member, that if he would direct his talents and industry to enlarge the basis of the Poor Law taxation, instead of merely trying to alter the boundaries of the district within which it is levied, he will strike at the very root of the difficulty—he will remove the inequality of which his clients complain, and he will confer a benefit not only on a few towns in Ireland but on the kingdom. Believing that the Bill now before the House falls far short of these desirable objects, and that the remedy offered would be worse than the disease alleged, I move that it be read a second time on this day six months.

Mr. KNIGHT said, he would beg to second the Amendment of his hon. Friend the Member for Carlow (Mr. Bruen). It was sufficiently proved by the experience of England, from the time of Elizabeth downwards, that the principle of large areas of chargeability for Poor Law purposes could not be successfully carried out. In all cases in which it had been tried it had broken down. Petty sessional divisions had been tried and failed, and it was only when the areas were restricted that the law was efficiently and economically administered. The Irish Poor Law was established in 1838; and when the Bill passed the House of Commons it contained the principle of union rating. When the Bill got to the House of Lords, however, the Duke of Wellington succeeded in striking that principle out. The Commissioners who had the formation of the Poor Law system in Ireland—finding that they could not have union rating—determined to have district rating, and they established all over the South West of Ireland larger areas than the unions of England. In about nine years, when distress came upon the country, it was found that these large areas were perfectly unworkable; and a Commission, presided over by Colonel Larcom, upon investigating the matter, reported that they found the North and East of Ireland in a better condition than they did the South and West—and they attributed this better state of things to the fact that one portion had smaller electoral areas than the other. Parliament had had to retrace its steps on three occasions and to reduce the large areas of rating. After that experience he was sorry to see the hon. and learned Gentleman (Mr. M'Mahon) bringing in a Bill to virtually restore the old state of things. They had already had reason to know that in England the union experiment of 1865 was a complete failure. Everyone knew that since union rating had been established the rates had been rising. Poor Law Guardians had told him they did all in their power to keep the rates down, but nevertheless they were rising. The reason was that when the rates were confined to one parish everything was done to keep down the rates, and there was an effort on the part of capitalists to employ the able-bodied men rather than allow them to go to the poorhouse; but now all this inducement to local supervision and care was gone. Instead of 15,000 parishes, each with a local staff, whose chief object it was to keep down the rates, they had some 500 or 600 unions, and every parish endeavoured to get a pull at the union fund. This was the reason for the rise of rates, and those rates would continue to rise till the large areas were put an end to, and he believed this would be done within the next ten years. That this was the case in Ireland also was plain from a letter from an Irish Poor Law inspector to Sir James Graham, in 1847. The following was the rise of rates in England since the passing of the Union Chargeability Act of 1865. In that year the poor rates were £6,200,000; in 1866, they were £6,400,000; and in 1867, they were £6,900,000. For the last two years the amounts were not before the House, but it was well known that in each they had been steadily rising. The rate in 1867 was larger than it ever had been before in England. Taking into account the expenses of the General Board it was greater than in the year 1832, when it was said that the whole of England would be eaten up by the poor rate, and when the cry arose that led to the new Poor Law Act. What should be done, he thought, was to adopt the principle of the two Bills of 1847 and 1849, when a rate-in-aid was charged on the union whenever the rate chargeable on the electoral division amounted to a certain sum—say 1*s*. 3*d*. per pound. That, he contended, was the intention of the Poor Law of Elizabeth, and they would have to fall back upon it in England. The area of chargeability should, as near as possible, be the neighbourhood where rich and poor were intimately acquainted with each other—the area of natural charity. Chargeability on any other area was impossible.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Bruen.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. SYNAN said, he hoped the suggestion he had to make would be accepted by both sides of the House. The question was a most important one, and was not to be dealt with by hasty legislation. There could be no question that a grievance did exist; the point was, what was the remedy to be prescribed. The Bill before the House pointed to only one remedy; but the people of Ireland were not by any means unanimous as to the remedy, and he was not satisfied, and would not be satisfied without further evidence that this remedy was the right one. The Bill was backed by the hon. Member for Cork (Mr. Downing); but he (Mr. Synan) observed that the Farmers' Club pointed to a remedy altogether different. He agreed with the proposition of the hon. Member for West Worcestershire (Mr. Knight), that areas might be too large; but he did not adopt his other principle, that they could not be too small. His hon. Friend who brought forward the Motion (Mr. M'Mahon) said that evictions were taking place now as in 1848 and in 1853, and that the poor were driven from the country to the towns, but his hon. Friend had not brought forward any statistics as to the increase of the town population. The grievance had arisen from two causes—the peculiar Poor Law legislation which had been applied to Ireland, and the exceptional circumstances of the country. Those who framed the Act of 1838 did not foresee what had occurred. According to the operation of the present law, from 60 to 69 per cent of the Poor Law expenditure was charged upon the union, and from 30 to 40 per cent on the electoral districts. His hon. Friend said he wanted a Law of Settlement in Ireland; but that would only increase the evil. Under the Act of 1838 there was no Law of Settlement or Chargeability, and that defect operated as a premium on eviction. That was found a great grievance. It was partially remedied by the Act of 1843, but not sufficiently to operate as a preventive and check. Then came the unfortunate famine of 1846, when the House legislated in a panic and made the unions and electoral divisions too small. They should endeavour to avoid both extremes—making the areas too large, and making them too small. In his opinion a rate-in-aid was the best remedy that could be applied to the existing evils connected with the Irish Poor Law system, and he was therefore in favour of the adoption of the principle of the English Act of 1859. He desired to see the matter investigated by a Select Committee, as they would be able to decide whether the end in view could be best obtained by this Bill, or by other means. He saw insuperable objections to the adoption of what was called a national rate. He did not see how they could administer a national fund by a local board. The late Mr. Senior gave his opinion against union rating, and Mr. Briscoe, who was likewise an eminent authority, had given evidence of a similar character. He was deeply interested in the settlement of this question, and he hoped it would be settled on an equitable and permanent basis.

MR. KAVANAGH said, that he supported the Amendment of his hon. Colleague (Mr. Bruen), that this Bill be read a second time that day six months, because he thought the subject of union rating was merely a portion of that far larger question of national taxation which was so ably brought before the House a few weeks ago by the hon.

Baronet the Member for South Devon (Sir Massey Lopes), and because he held that the principle of this measure was unjust unless it were considered in conjunction with that larger question. He understood the First Lord of the Treasury to promise on that night that, when other questions which he regarded as of more importance had been disposed of, the attention of Her Majesty's Ministers should be directed to the consideration of that subject. When that occurred he hoped that the taxation of Ireland in that respect would not be excluded from their deliberations. He was quite aware that this subject of national taxation was not now before the House, and he would not, therefore, further refer to it than by saying that, in his opinion, it was a very great injustice that landed property alone was held liable for the relief of the poor. So far as he could gather, there were three main arguments used in support of the principle of this Bill,—first, that the principle had been adopted in England, and should, therefore, be applied to Ireland; secondly, that union rating would remove the encouragement which electoral rating held out to landlords to clear their properties of the labouring classes, lest they should be taxed for their support; and, thirdly, that the high rates on town electoral divisions, as compared with rural electoral divisions, was mainly due to the influx of the pauper population so cleared off the estates of the landlords. With respect to the first argument, his hon. Colleague had sufficiently disposed of it; but he must be allowed to say that it was with no small surprise he heard this argument used by hon. Members opposite, whose general cry was that no analogy existed between the two countries, and who claimed legislation of the most exceptional sort for Ireland. Without going further, he need only refer on this point to the Irish Church Bill, and to speeches from hon. Members opposite about the Irish land question. As regarded the second argument, he would say that if it were applicable in times past it was not so now. He could not remember the year 1838, when—or in 1839, he believed—the Poor Law Act came first into force in Ireland; nor could he, from his own personal knowledge, say much about the famine or those terrible years that succeeded it. He believed, however, that it was dire necessity, and not the landlords, that drove the people into the towns from the rural districts. They fled from their dwellings, where pestilence was rife and starvation stared them in the face, into the towns, where food was to be had. He had both heard and read the accounts of those who were engaged in endeavouring to alleviate the sufferings of those unfortunate people, and from them he gathered that the difficulties they experienced arose, not so much from want of money as from the almost impossibility of conveying the food to the starving multitude who were scattered about. The natural consequence was that the survivors flocked into the towns and workhouses, where the food was to be obtained. But he thanked God such was not the present state of affairs, and he firmly believed that, so far from this argument being now applicable to Ireland, the present tendency was for landed proprietors to build dwelling-houses and encourage labourers to settle on their estates, for in many places the want of labour had begun to be seriously felt. The third argument was a consequence of the second, and if the one were not applicable, the other, which was based upon it, could have no force. For argument' sake, however, he would admit that an increase in the rates of a town electoral division was caused by the influx of the labouring class to obtain employment. If such were the case, he would ask, was not the very temptation which the town afforded these people to come into it a very substantial proof of its comparative prosperity? Did the town owe none of this prosperity to the district in which it was situated? Was it not the centre of trade to that district, the market where the produce of the land was sold, the mart where the occupiers of the land obtained their different supplies by which the trade of the town was created and maintained? Did the inhabitants of a town possess no advantages over the country farmer? Was not the value of his property in the town electoral division enhanced by its situation to an extent more than sufficient to counterbalance the high rating he complained of? The clearest way to come at the truth of this was to analyze the two cases. Suppose a man living in a town electoral division to be owner of three acres of land, representing a value in the Ordnance valuation of £2 per acre, for which, on account of its vicinity to the town, and its consequently increased value, he received a rent of £3 per acre, and suppose that the poor rates which he had to pay were at the rate of 4*s.* 6*d.* in the pound on his Ordnance valuation, amounting to £1 7*s.* on his three acres. Then, on the other hand, suppose another man in a rural district, also the owner of three acres, of exactly the same description and quality, with an Ordnance valuation of £1 per acre, liable to a poor rate of 1*s.* 2*d.* in the pound on that valuation, amounting to 3*s.* 6*d.* on his three acres, and that he received a rent of £1 10*s.* per acre. Which of the two men would be in the best financial position? The town man would receive out of his three acres a net annual income of £7 13*s.* The rural man out of his three acres would receive a net annual income of £4 6*s.* 6*d.* The town man, therefore, after paying all these high rates—and 4*s.* 6*d.* in the pound was a very high rate—would be a richer man by £3 6*s.* 6*d.* annually than the rural inhabitant, independent of other advantages—and they were many—which the owner of land in the vicinity of a town possessed over a country farmer. These were not exceptional cases got up for the occasion, but simple facts that had come under his own notice during the fifteen years he had been connected with the Board of Guardians in the borough (New Ross), for which the hon. and learned Gentleman was Member. Was the town, then, he would ask, only to enjoy the advantages of its position, and not be responsible for the drawbacks consequent upon the mixed nature of its population, and which was by no means due to the influx of paupers from the country? No one who had any knowledge of these matters would attempt to deny that there were other causes of these higher rates, with which the rural districts could have nothing, either directly or indirectly, to do. He was sorry to say that the great social evil occasioned in many town electoral divisions an important item in taxation. Again, if the town were a seaport, a class of people quite distinct from the rural element flocked in, and by sickness or other causes became dependent on the rates. Two special cases had been quoted as arguments in favour of the principle of this measure. One was the town of Dungarvan; the other that of Gorey. In both cases only a small stream divided the town electoral division from the rural, and in both of them it was known that a migration of paupers did occur, and by merely crossing these streams became chargeable to the town divisions. But he maintained that these two cases were merely questions of boundary, and ample power existed in the hands of the Poor Law Commissioners to set these matters right. He had, he thought, said enough on the subject of town *versus* rural electoral divisions, and he would now, in a very few words, refer to what he regarded as a no less important consideration—namely, the relative positions of the rural districts themselves. In some electoral divisions there were mines, and why should they impose a tax on the other divisions for the support of the paupers coming from the mines? He might remark that he did not think that implicit reliance could be placed in all cases upon the returns as to the rates in certain districts. The hon. Member for New Ross had stated in his speech that some years ago there was a poor rate of 3*s.* 6*d.* in the pound charged upon the rural electoral division of Ballymurphy, while at the same time on the town electoral division of New Ross the rate was only 10*d.* in the pound. He was not in a position, speaking from memory only, to question the correctness of the statistics which the hon. Member had quoted; but, as the proprietor of that electoral division of Ballymurphy, of this he was certain that he had never applied to the Board of Guardians of the New Ross Union to relieve him from that high rate by placing part of it upon New Ross or any other electoral division in the union which was, in fact, the principle of the measure now before the House. Suppose an electoral division owned by an absentee landlord, who never looked after the poor upon his property, never tried to give them employment or to ameliorate their condition, and that this electoral division had consequently become swamped by a large pauper population, who had come upon the rates for their support in the way of out-door relief, and thereby increased the rating of that division to double that on another division in the same union, where a resident landlord had looked after his people, built them houses, and perhaps often pinched himself to keep them in employment and keep them off the rates. Now, was it fair that the latter should be taxed for the shortcomings of the former? The effect of this Act, so far as rural divisions were concerned, would be to make proprietors careless about the condition of their poor, inasmuch as they would cease to be individually responsible for their support. The opinion of the Duke of Wellington had been already quoted, and it was useless to repeat it. But of this he was convinced that a union rating Act would tend to increase the indiscriminate granting of out-door relief, which was a very dangerous principle when carelessly administered. When the taxation ceased to be local, and was therefore only indirectly felt, a feeling of mistaken charity, or a desire of obtaining popularity, might oftener influence a guardian in obtaining out-door relief for those very little poorer than some ratepayers who might be taxed for their support. It would also tend to make many guardians careless about attending. What was everybody's business was nobody's business, and it would end by putting increased expense upon the union by necessitating the appointment of paid guardians to carry on the business. He had great pleasure in supporting the Amendment of his hon. Friend.

Mr. CHICHESTER FORTESCUE said, he agreed in much which had fallen from the hon. Member who had just spoken, and who had shown so much knowledge of this question, and so much power of dealing with it; but he did not agree with the hon. Gentleman in thinking that the House ought to set aside the whole question of union rating, or any other means of mitigating the acknowledged evils which union rating was expected to remedy, until they were prepared to go into the whole question of the national taxation of the three kingdoms. The time had come when they should make up their minds as to whether the system of union rating should or should not be extended to Ireland, or whether any other means should be devised to meet those evils which this Bill was meant to remedy. His object in rising was not to go into the merits of this question, but to state the views of the Government on this Motion. The course which he ought to take seemed to him to be very clear—namely, to support the Amendment of which notice had been given by the hon. Member for the county of Limerick (Mr. Synan) that this Bill should be referred to a Select Committee. This was a case in which inquiry was eminently called for. There was a certain presumption in favour of the Bill, arising from the fact that similar legislation had been adopted in this country. Until it was shown that the circumstances of the case as between the two countries were utterly dissimilar, there was a certain presumption that a reform which had been found to work well in England would also be found good in Ireland as a remedy for the same class of evils. It would not be denied that very great and startling inequalities did exist between the rating in different areas of taxation in Ireland. It was admitted by the Select Committee of 1861 that there was a grievance on the part of the town electoral divisions of Ireland, and they recommended as a remedy a change in the Law of Chargeability, which was extended to two years' residence. That change had not, however, remedied the inequality, but had left the facts very much as they were in 1861, the only alteration being a diminution of 1 per cent in the rates of the town electoral divisions. The ill success of that change was an additional argument why the House should undertake a further inquiry into this subject. It had been truly said that the inquiry in 1861 was insufficient. If he thought it had been a sufficient inquiry he would not now be a party to imposing the labour of a Select Committee upon hon. Members or himself, upon whom, as an official, it would fall more heavily than upon anyone else. Very scanty evidence was taken on this subject, so much so that the head of the Irish Poor Law Board (Mr. Power) was never asked a question on this matter of union rating. The differences of opinion upon it were very great and natural, and that was another reason why Irish representatives of all views, assisted as he hoped they would be by English Members, should inquire thoroughly into the matter. He would not now go into all the *pros* and *cons* of union rating. It was probable that both the good and evil of chargeability on narrow areas had been exaggerated, but the examination of a Return, obtained three years ago by Mr. Sergeant Barry the present Solicitor General for Ireland, would show that the inequalities in Irish rating were very serious indeed, and imperatively called for inquiry. From that Return he found that in 1865 the 165 town electoral divisions had 19,000 paupers charged upon them, while the whole of the remaining electoral divisions of the country had only 21,000 paupers charged upon them. And what was the difference in valuation? The town electoral divisions were valued at £2,700,000, while the other divisions were valued at £10,200,000. He believed that thorough inquiry, by a carefully selected Committee, would clear up many difficulties and uncertain points, and would put both the Government and the House in a fair way to devise a remedy.

Mr. DOWNING said, that as the representative of a large agricultural county (Cork), and having been for twenty-six years vice chairman of a Poor Law Union, he felt justified in offering an opinion on this Bill. He had always held that the rating of electoral divisions was a mistake, and experience had confirmed this opinion. It was unfortunate that this question of rating had been made a question of town against country. If he were to vote according to his interest he should vote against this Bill; but he should vote according to his convictions and against his personal interests. He must say he was disappointed at the way in which the Chief Secretary for Ireland had met the question, because he thought that when a grievance was admitted a remedy ought to be supplied as speedily as possible. The right hon. Gentleman had referred to the Return obtained by Mr. Sergeant Barry. From that Return it appeared that the population of the rural districts of the Province of Munster in 1841 was 2,435,297, while, in 1861, it was reduced to 1,528,877. The town electoral districts of that province in 1841 contained 499,000 people, and in 1857 their population had increased to 560,000. So that while the rural population had declined nearly 1,000,000, the town population had increased by 61,000. What had become of these persons who had crowded into the towns? Only a few had found their way to America, because they were too poverty-stricken to find the means. In 1865 the valuation of the town districts was £696,414, and the number in receipt of relief from them was 6,484; while the valuation of the other districts was £2,700,000, and the number in receipt of relief from them only 6,381. That state of things ought not to be allowed to continue. The Select Committee would do nothing this Session, and it would not be until next Session, or the Session after that, that any legislation would be attempted. A great deal had been said as to the increase of local taxation in England; but it was not pecular to this country, for in Ireland the local taxation had increased year after year. Last year the poundage rate was 3*s.* 10¾*d.* in England, while it was 3*s.* 11¼*d.* in Ireland. In the Dungarvan district, with eighteen electoral divisions, and with a valuation of £53,000, there were 353 paupers, and 226 of them were charged to that division which contained the town of Dungarvan, that division having a number of paupers in excess of the whole of the seventeen other divisions. The Union of Skibbereen, with which he was specially connected, presented a similar inequality, and the town of Skibbereen was much more heavily taxed than the other divisions of the union. The annual average amount of the rate in Skibbereen during the last ten years had been 3*s.* 7*d.*, while its average amount in the adjoining division of Freelands had been only 1*s.* 3*d.* in the pound. In one division the rates were 1*s.* 4*d.* in the pound, while in another, only three-quarters of a mile distant, they were 4*s.* He begged to remind the House that numerous Petitions, emanating from some of the most influential Boards of Guardians in Ireland had been presented in favour of the Bill under consideration, and that he had presented one from the Fermoy Union, which might be called a model union. He did not believe that if union rating were adopted there would be less active supervision over the rates. In very many cases at present the tendency was not so much to inquire whether the applicant was deserving of relief as to prevent his being charged to particular electoral divisions. With that object the applicant was cross-examined like a witness at *Nisi Prius* by every guardian who was present, with the object of getting him charged to any district other than his own; whereas, if union rating were adopted, there would be a more impartial investigation, having for its object to discuss whether the application was one which ought to be entertained. In this matter Ireland should be treated as England had been, and he hoped that this measure would receive the support of English Members, and that his hon. Friend who had charge of the Bill (Mr. M'Mahon) would press it to a division, and lose it, if need be, placing the responsibility upon the quarter where it ought to rest, rather than disappoint the just expectations of the people in Ireland. For his own part, although the constituency which he represented might be divided in opinion, the matter was one upon which he felt bound to state his convictions, and he should therefore vote for the Bill. The hon. Member having read extracts from the report of a discussion by the Killarney Board of Guardians on the subject of the Bill, referred to a case where people "had been driven off the land;" and, with a view to render it compulsory upon them to seek refuge in the towns, the tenantry upon the estate of one nobleman were warned that if they gave even a night's shelter to any of the dispossessed persons they would themselves receive notice to quit. In these circumstances a young lad applied for shelter to his uncle on one inclement night, but was told that if he entered the house the uncle and his six children would themselves become wanderers, "as there were parties watching for his land." The young lad slept that night in a ditch, and the following morning he was dead. This was a case resting upon sworn testimony. The parties were tried before Chief Baron Pigott; it was proved that the agent to the nobleman on whose estate this occurred had served the notices; and Chief Baron Pigott declared it to be a disgrace to the country that such a circumstance should have occurred. The fault was not that of the nobleman, who was no other than the amiable Marquess of Lansdowne, grandfather of the present possessor of the title. The agent, however, was Mr. Stewart Trench, author of the work called "*The Realities of Irish Life*," which might with much more truth be called "The Romance of Irish Life."

Mr. W. H. GREGORY said, he had been treated in the course of the debate by the hon. Member for Cork very much as the Judge was said to have treated a particular counsel—"You need not trouble yourself to say anything, Mr. So-and-so. I know exactly what you are going to say and I will show you where you are wrong." He had not opened his lips in the present discussion, and as to anticipations based upon arguments he had formerly used, with the rapid changes of opinion which were going on all round him, it was rather hard that he should be held responsible for opinions uttered two years or even two months ago. Upon the present occasion he wished to act as a peacemaker and to take a middle course. Strong animadversions had been passed already upon the hon. Member for Limerick (Mr. Synan) who wished to act in a similar spirit, and he felt that he could not expect to escape; but he was comforted by the knowledge that peace-makers, if they did not attain their reward in one place were sure to do so in another. The right hon. Gentleman the Chief Secretary for Ireland said he would accept the proposal to send the Bill to a Select Committee. But by referring it to a Select Committee the House would be, to a certain extent, affirming the principle of the Bill, a principle with which the proposer of that reference declared that he did not himself agree. In his (Mr. Gregory's) opinion the Government were inverting the proper course. They took for granted that the grievance had been proved. Let the grievance first be made out, and when that had been done, let a Select Committee decide on the remedy. At the present moment, when what the First Lord of the Treasury himself had described, as "the tremendous question" of the Irish Church was before the House, it was hopeless to expect that the merits or demerits of the system of rating in Ireland could be calmly investigated. The grievance, however, if there were a grievance, was one which had long existed, and its existence was as strongly denied as it was forcibly asserted. All parties, therefore, would really be in a much better position if it were understood that the question, as a whole, would be taken up and thoroughly investigated by a Select Committee at the beginning of next Session. He thought it possible that, in some of the comparisons which had been instituted, the disproportionate rates might be accounted for by the extent of the supervision given by landlords in the different districts; the poor in one electoral division were really cared for, and in another had been comparatively neglected. Sir James Graham expreseed his approval of small unions and electoral divisions in Ireland as securing close supervision and diminished expenditure; and the Boundary Commissioners had reported in the same sense. Mr. Gulston, Poor Law Commissioner, showed that the eastern unions and electoral divisions of Ireland were, as a rule, superior in management to the western divisions, inasmuch as the latter were of much greater size. In Scotland, also, not only were the areas smaller than in Ireland, but there was much greater care of the poor. Remarks had been made as to the composition of the Committee of 1861, and it had been suggested that its Report should be thrown aside as valueless. But the fact was that that Committee comprised no less than three men who had filled the Office of Chief Secretary for Ireland, and others who were well acquainted with the country. The decision of a body so composed was entitled to the greatest weight. The hon. and learned Mover seemed by his language to lament that the Law of Settlement did not exist in Ireland. A considerable advance had been made in Ireland. and in England in that respect. There was chargeability but no settlement. And God forbid they should ever revert to a barbarous and retrograde system, which even in England was being gradually shaken off. It must not be forgotten that the area cf rating in England was totally different from that of Ireland. The average extent of the English unions was 56,000 acres, while that of Irish unions was 124,000 acres, and the average English parish contains 2,500 acres, while the average Irish parish contained 6,000 acres. Under these circumstances, the great objection that applied to the English parochial system of rating did not apply in the same manner to Ireland. There were no close parishes and no Law of Settlement, nor could there be such a thing as a close electoral division. The hon. Member for Worcestershire (Mr. Knight) contended that the existing system in England had failed, inasmuch as the rates in this country had largely increased. But that increase in the rates was due to an exceptional cause—namely, the great depression of trade that had existed during the last two years. He (Mr W. H. Gregory) denied that in Ireland of late years there had been a gravitation of the labourers to the towns. No doubt that was so twenty years ago, but such was not the case now. If union rating were established in Ireland, it would give power to bad, improvident, and cruel landlords to evict their poorer tenants at once and make others pay the penalty for their misconduct, while the present system of electoral division acted as a check upon landlords of that character. A landlord would hesitate now ere he ejected a family, knowing they would probably be for many years, if not for all time, a charge on his electoral division. If they were thrown on the union his liability would be infinitesimal. Hon. Members might point to the disproportion between electoral districts, but it was not greater than that between adjoining unions. This disproportion between unions had led to the advocacy of a national rate. He deprecated their being led in the direction of a national rate, which in Ireland would produce the most serious mischiefs. In the evidence given before the Committee in 1861 it was shown that there had been a great increase of pauperism in the large towns, as compared with rural districts, which accounted for the increase of rates. Thus in the city of Cork in 1861 out of 1,058 paupers in the workhouse, only 207 came from the rural districts; and out of 996 in the town of Limerick, only eighteen came from the rural districts. That was the evidence given before the Committee of 1861. If this Bill passed, the management of many unions would fall into the hands of a small town clique, and the administration of the law would suffer. He opposed the principle of the Bill upon the ground—first, that it would afford a direct premium upon eviction; secondly because he believed that it would do away with the excellent supervision which was exercised by the farmers who were guardians; and thirdly, because it would occasion the children, who in the electoral districts were now taken out of the poorhouses and brought up by the farmers, being left in the workhouse of the town, where they would grow up confirmed paupers, and remain a permanent burden upon the rates. All these reasons led him to hope that some more satisfactory means than that proposed by the Bill would be found to alleviate the condition of the towns. He had no objection whatever to the system of a rate-in-aid, and if the hon. Member would next Session move for a Committee to inquire generally into the subject of rating, he should not be unwilling to support the Motion.

Sir MICHAEL HICKS-BEACH said, he desired to make one remark on the speech of the right hon. Gentleman the Chief Secretary for Ireland. The question before the House must be decided by the peculiar circumstances of Ireland, and not by the rules that applied to England. The subject was one which demanded an expression of opinion from Her Majesty's Government. There was considerable difference between the mode in which the question of union rating had been treated in England and in Ireland. In this country the question had been fully considered by a Select Committee in 1861, and it was not until 1865 that a Bill upon the subject was carried after very formidable opposition ; but, with respect to Ireland, not only had the subject not been inquired into by a Committee, but the Government had declined to express any opinion on the matter further than that the right hon. Gentleman the Chief Secretary for Ireland appeared to show a preference in favour of the system of union rating as against that of a rate-in-aid, by giving his support to the second reading of the Bill.

Mr. CHICHESTER FORTESCUE said, he had not stated that he was in favour of the system of union rating. He had most distinctly stated that he should support the second reading of the Bill with a view to its being referred to a Select Committee, so that the subject should be inquired into with regard to Ireland, as had been the case with regard to this country.

Sir MICHAEL HICKS-BEACH said, he had always understood that a vote in favour of the second reading of a Bill was equivalent to a vote in favour of the principle of the Bill. If the right hon. Gentleman was anxious that the subject should be inquired into, why had he not moved for a Select Committee to inquire into the whole subject, instead of taking up one side of the question without inquiry by supporting a Bill which had been introduced by those who were desirous of relieving their constituents of a burden which pressed peculiarly upon them? It was put forward by those supporting the Bill that it was intended to be a step in the direction of assimilating the laws of Ireland on this subject with those of England. That argument was a very weak one. Had the system of union rating been so successful in England as to render it desirable to extend its operations to the sister country? In 1865 he was one of those who strongly opposed union rating. Since the introduction of that system into this country there had doubtless been an increase in the rates, and the amount of chronic pauperism. How far this increase was owing to that system it was difficult to say; but it had certainly operated as a hardship upon the smaller agricultural parishes whose rates had been increased without any corresponding advantage accruing to the towns or their unions. He hoped that the question of local taxation in all the three kingdoms would shortly be considered, and meanwhile he trusted that before the debate closed the House would have a definite opinion upon the present question from Her Majesty's Government. He should certainly oppose the second reading of the Bill, although willing to assent to the whole subject being inquired into.

Mr. MAGUIRE said, he hoped his hon. Friend the Member for New Ross (Mr. M'Mahon) would accept the proposal of the Government as made, and not as qualified by the hon. Member for Galway (Mr. W. H. Gregory). If the whole question were referred to a Select Committee, the responsibility of bringing in a Bill dealing with the subject would be thrown upon the Government. It was unfair to charge the Government with committing the House to a division upon the principle of the Bill, when their object in supporting its second reading was merely to institute an inquiry into the matter. If the Bill were referred to a Select Committee within a week or ten days, the Report would be laid upon the table before the end of the present Session, and the matter would be ripe for the introduction of a Government measure early next Session.

Lord CLAUD HAMILTON said, he had no objection to a fair inquiry, but he did object to commence that inquiry pledged to the principle of union rating. He should feel it his duty to oppose in every way the second reading of the present Bill, which proposed to introduce that system into Ireland. Before the second reading of the measure was agreed to the House should be satisfied that the existing system of rating in Ireland had failed, and that the proposed system would be effectual in putting a stop to the evils complained of. In his opinion, neither of those two propositions had been made out. All the authorities on the question were opposed to the proposition of the hon. and learned Member. The Chief Secretary for Ireland had alluded to the Committee of 1861, but he ought to have gone farther back, and to have referred to the Boundary Commission, which had gone into the whole question, and had re-cast the whole districts of Ireland with regard to rating. They had not recommended any departure from the original instructions to the Poor Law Commissioners in 1838. He denied that there was the slightest analogy between the old system in this country and the system which existed in Ireland. In none of the Annual Reports was there to be found any recommendation of the measure proposed by the hon. and learned Member for New Ross (Mr. M'Mahon). He denied that the hon. and learned Member represented the popular view in Ireland on this question, or that any case for legislation had been made out by hon. Members who had supported the measure in the course of that day's debate. It was simply a case of town against country. ["Divide!"] In answer to the hon. Members who cried "Divide," he said the subject was so important a one that he felt bound to go fully into it. The Petitions which had been got up on the subject were of the usual stereotyped character. It was remarkable that not one word was said on behalf of the poor. In fact it was the rich man who lived in towns that the hon. and learned Member for New Ross (Mr. M'Mahon) wished to relieve. [The noble Lord then entered into a minute criticism of the various assertions made in a Petition favourable to the Bill.]

And it being now a quarter before Six o'clock,

Debate *adjourned* till *To-morrow.*

COURT OF EXCHEQUER (IRELAND) OFFICES BILL.

On Motion of Colonel French, Bill to repeal that portion of the Act sixth and seventh Victoria, chapter seventy-eight, which directs the payment of five hundred pounds a-year into the Consolidated Fund out of monies exclusively levied in Ireland, *ordered* to be brought in by Colonel French and Mr. M'Mahon.

Bill *presented,* and read the first time. [Bill 63.]

STEAM BOILERS INSPECTION BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to provide for the periodical inspection of Steam Boilers.

Resolution *reported:* — Bill *ordered* to be brought in by Mr. Henry B. Sheridan, Mr. Vickers, and Mr. Brady.

Bill *presented,* and read the first time. [Bill 64.]

House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 8*th April,* 1869.

MINUTES.]—Public Bills—*First Reading*—Salmon Fisheries (Ireland)* (43); Railway Companies Meetings* (44).

Committee—East India Irrigation and Canal Company* (31).

Committee—Report—Lord Napier's Salary* (37); Mutiny*; Marine Mutiny*.

Third Reading—Common Law Courts (Ireland) (9); Habitual Criminals* (41), and *passed.*

PRIVATE BILLS.

On Motion of the Chairman of Committees, it was Ordered,

That no Private Bill brought from the House of Commons shall be read a second time after Tuesday the 15th day of June next:

That no Bill authorizing any inclosure of lands under special report of the Inclosure Commissioners for England and Wales, or confirming any scheme of the Charity Commissioners for England and Wales, shall be read a second time after Friday the 18th day of June next:

That no Bill confirming any provisional order shall be read a second time after Friday the 18th day of June next:

That when a Bill shall have passed this House with amendments these orders shall not apply to any new Bill sent up from the House of Commons which the Chairman of Committees shall report to the House is substantially the same as the Bill so amended.

COMMON LAW COURTS (IRELAND) BILL.

(The Earl Granville.)

(NO. 9.) THIRD READING.

Bill read 3ª (according to Order).

THE MARQUESS OF CLANRICARDE proposed some Amendments, the most important of them being one to allow attorneys or attorneys' agents to transact business in Chambers without the intervention of counsel. This had been the practice in England in reference to unopposed motions since 1831, when a Commission reported that the intervention of counsel in such cases was unnecessary; and though the Commission which inquired into the assimilation of the practice and procedure of the Irish to the English Courts did not recommend the adoption of the same system, no plausible reason could be urged against it. A motion which at Westminster cost only 13*s*. 8*d*., in the Irish Courts, according to the best of his information, involved an expense of £3 or £4. In 1867, omitting the special cases which were brought before the Judges personally, and in which counsel were engaged, there were 56,666 motions, the total cost of which would be £38,772, whereas in Ireland they would have cost £169,998. It was monstrous that suitors in the poorer country should bear so much heavier burden, and it was a gross job for the sake of junior counsel to keep up these fees. He hoped the Government would on re-consideration agree to the Amendment.

LORD DUFFERIN said, he could not assent to the clause. The noble Marquess originally proposed to refer these motions to the Masters; but as this course had been resorted to in England only on account of the extreme pressure of work which the Judges had to transact, and, as in Ireland no such pressure existed, he had withdrawn that portion of his Amendment. The Commission must have been perfectly aware of the practice in England on this point, but they had not recommended its extension to Ireland; and he thought the noble Marquess was under some misapprehension as to the expense, for he understood that motions before Judges in Chambers were disposed of as cheaply in Ireland as in this country. No desire had been expressed for the change either by the public or the legal profession, and the Government could not accede to it.

THE LORD CHANCELLOR confirmed the statement of his noble Friend that the reference of motions to Masters had not been resorted to in England as being the best system, but solely on account of the Judges being overloaded with business. In Ireland, as he understood, while serving on the Commission, the Judges had not more work than they could perform; and the Commission recommended that instead of three Masters there should be but one, though it subsequently appeared that inconvenience would arise if each of the three Courts had not its own Master. The Government had no objection to one of the noble Marquess's Amendments, which empowered Judges to transact business in Chambers; but he believed they possessed such power already, and if they thought fit they could deal with notices as if they were motions, in the manner which the noble Marquess believed to be the most economical. As to the noble Marquess's proposal that the rules and regulations made by the Judges should be laid before Parliament, it would interpose delay in any fresh arrangements which they might make in order to expedite or economize business; whereas in England the importance of the transactions referred to Masters made it necessary that they should be under proper guidance.

THE MARQUESS OF CLANRICARDE said, he would not press his Amendments, but should be curious to see in how many cases the Judges sitting in Chambers would call attorneys and agents before them. It was a slur on the profession and an injustice to suitors that a barrister on one side should be feed for simply informing the Judge that the parties had agreed to an arbitration, and a barrister on the other side for simply confirming the statement.

Amendments *disagreed to*.

Amendments made; Bill *passed*, and sent to the Commons.

NAVY—ARMAMENT OF TURRET-SHIPS.

QUESTION.

THE DUKE OF SOMERSET, in asking the Question of which he had given notice, as to the proposed armament of the new Turret-Ships, said, that the point was one of some importance, for the size of the gun to be put in these ships decided the size of the ships themselves. A common broad-side ship might be altered so as to carry a heavier armament, but this course was impossible in the case of a turret-ship. Within the last few years very remarkable changes had been made in guns for the navy. In 1859 the heaviest gun was one of 95 cwt; but after a few years the weight was increased to 6½ tons, next to 7 tons, afterwards to 9 tons, and then we advanced to a 12-ton gun, though at each of these steps inconveniences were stated to be involved in the use of such large guns. Now, however, it was proposed, he believed, to advance from the 12-ton to a 25-ton gun, and ships were to be built to carry them. The Secretary for War had been reported, however, to state in "another place" that the War Department did not at present intend to make a larger gun than the 12-ton one; so that if the Admiralty were preparing ships for a 25-ton gun there seemed to be some discrepancy between the views of the two Departments. Many different systems of construction had been tried during the last few years. We began with breech-loaders, and this was still retained in France, but we had entirely abandoned this system for heavy ordnance. There had been much difference of opinion as to the manufacture and the mode of rifling, and he should be glad to know whether any mode of rifling had been finally adopted? At the time he left the Admiralty practically the largest gun for the use of the navy was the 12-ton gun, and what changes or improvements had since been made he did not know. As to the turret-ships he had never objected to such vessels for coasting or Channel service, nor had he ever doubted that they could be sent across the Atlantic or to any part of the world; but when at the Admiralty he was unable to satisfy himself that it was easy to make a good sea-going turret-ship. Two, however, were ordered as experiments—the *Monarch* and the *Captain*—and he understood that they were now in a very advanced state; but it appeared that the Admiralty already regarded them as obsolete, or at least they were no guide as to what was now required, and the Admiralty were now going to build ships on a new plan. Why he wished for some explanation on the subject was that he had been placed somewhat in a difficulty. When at the Admiralty he stated—not of course on his own authority but on that of the Controller and Chief Constructor—that it would not be possible to make a sea-going ship with a very low freeboard, and that unless it were 10 feet or even 12 feet above the water—or 8 feet at the least—a vessel would not be fit to carry the officers and crew comfortably. That opinion having apparently been abandoned, he wished to know the grounds which had led the officers of the Department to take a different view. He had not the least complaint to make against them, for he believed the Controller to be a very able and energetic man, who gave up his whole time to the interests of the service; while the Chief Constructor was originally appointed by himself, and his great ability and skill had been acknowledged both by the late and the present Government; but he was anxious to learn what had occurred to make them regard as a safe sea-going ship one which a few years ago they declared to be unsafe, or at least so uncomfortable that sailors could not be put into it. This turret-ship was, in fact, a floating gun-carriage, and their Lordships could easily imagine what an uncomfortable abode for sailors a ship only 4 feet above the water must be. Now, for many years we had been trying to lodge our sailors comfortably, and the result had been that instead of desertions occurring it was now a punishment to a man to be sent away from the navy. The crews were in a much better condition, and the result had been most successful. He was rather afraid, therefore, of a hazardous experiment which would make life on board ship very uncomfortable, and he feared that this must be the inevitable result of building ships in this manner. The *Miantonomah,* which he inspected on its coming over from America in 1866, had only 2 feet freeboard; but on his asking a naval officer who had crossed over in the vessel what sort of life it was on board, the reply was that it was exceedingly disagreeable, that the crew only lived on air which was pumped in, and that if anything had happened to the engine—an accident did, in fact, once occur—they would all have been stifled. He was asked, on that occasion, whether he would like to see one of the heavy guns fired, and he replied in the affirmative. One was accordingly fired; but an English officer whom he sent down to see the operation informed him that the gun-carriage was disabled. An offer was next made to fire the other gun, and the result again was that the gun-carriage was disabled. The *Miantonomah* could not, therefore, be deemed as yet a completely successful experiment. As to the mode of constructing our vessels, he differed from an opinion which had been expressed elsewhere against two screws, his belief being that it was very advisable to have two screws; for where there were no masts and no sails there would be a chance, even if one screw was disabled, of getting into port somewhere, instead of being left helpless in the middle of the Atlantic. Two screws also would be a protection as a mode of avoiding the enemy. On his asking a young officer what he would do supposing he was in the *Northumberland*, or some such vessel, and saw an ugly-looking ship like the *Miantonomah* coming towards him as an enemy, the reply was—"I would take my chance, and run right over it, and see what would happen." Now, it was difficult to say what would happen; but he had no doubt the officer would in such a case have been as good as his word. A vessel with two screws would, therefore, have an advantage by being able to turn, and at least avoid a fate which might always befall a very low vessel from a higher one. If our future fleet were to consist of vessels of the turret description—without masts, without yards, without sails—it was quite clear that the profession of a sailor would be gone—so far as the navy was concerned—for all that would be wanted would be a man to attend to the fire, and other men to point the guns. Now, if the Admiralty were so confident that these would be the ships of the future, why should they send out a flying squadron, in order that men might be trained to make and change the sails, and go through all the evolutions of a wooden fleet? We were sending a wooden fleet about the world in order to train our sailors, and yet it was agreed on all hands that those wooden ships were never to fight. What was the good of exercising men for a service they would never have to perform? When they came back after three years' service at sea, we should, if these vessels were successful, be going on with the building of turret-ships without masts or yards, which would supersede all the other vessels of the navy. Now, this was a question deserving consideration. He wished also to know what guns the Admiralty had in readiness to put into the vessels which were just about going to sea—for experiments might advantageously be made with those vessels? He would mention an experiment which he was told was one of the most trying—the firing ahead from the aft turret so that the shot passed near the port-hole of the fore turret. The sensation to persons in the fore turret was very disagreeable, and was, in fact, quite stunning; such, at least, had been the information which he formerly received. These things should be tried, for if we got into an engagement without having made experiments, we should fail as the Americans did with the gun-carriages in the *Miantonomah*. He was sorry to see that the Admiralty had reduced the Vote for experiments. When he was at the Admiralty there were no doubt a great many experiments, the reason being that there were a great many new types of ships; and he believed that as regarded iron plates the experiments had proved most useful. When first at the Admiralty he had to wait six or eight months for an iron plate, hammering being the only way of making them; but in the course of a few years, the manufacture becoming better understood, a much better plate could be made in a few weeks. This was an instance of the progress effected, and experiments of various kinds had assisted this progress. There ought to be experiments with these 25-ton guns before ships were fitted with them. The charge of such a gun was enormous. At Shoeburyness, on one occasion, a man was carrying what appeared to be a hammock; but, on inquiry, he found that it was the powder which was going into the gun, it being so long that it looked like a hammock. This would give anybody an idea of the immense scale on which these things were done, and hence the importance of experiments. He hoped the noble Earl who took charge in this House of questions connected with the Admiralty (the Earl of Camperdown) would be able to give their Lordships some information on the subject. For his own part he did not at all object to the construction of a ship of this kind, for he believed it would, at any rate, be very valuable for Channel purposes; but he certainly doubted whether it would prove a good sea-going vessel, for he did not think we should be able to send a vessel to sea for three years in which the men would be so very uncomfortable. They would be living in a kind of dungeon—for it was, in fact, a dark dungeon under water which we were contriving. He had read, indeed, that morning in the leading journal that the monitors during the attack on Fort Sumter were as buoyant as ducks; but the *Monitor* at last proved to be a diver, and went to the bottom with her crew. His belief was, that these vessels went through the sea, the sea went over them; and he was afraid a vessel with four feet of freeboard would be more under water than on the top of it, which would be very uncomfortable for the men. The American sailors, as he had understood, preferred going in any other ship to going in the monitors, and nobody who had seen this class of vessels could wonder at it. With regard to the Marine force, he observed that there was to be a considerable reduction. Now, he had always regarded that force as a very valuable one; but of course if the navy and the men at sea were reduced, the Marines must in some proportion be reduced likewise. The office of Inspector-General of the Marines was, it seemed, to be abolished. When he first went to the Admiralty there was no such officer; and the Lords of the Admiralty nominally inspected the Marines when they went their rounds: but this inspection was of very little advantage, for even the officers with him who knew about the Marines had not time to inspect them properly. He consequently appointed a Marine officer of high standing, who went down to the different divisions and reported on their efficiency; and he thought that to keep up a force of any kind without frequent inspection was very bad policy. The Admiralty, however, might have devised some other mode of inspection, and he pronounced no opinion on the abolition of the office until he had heard his noble Friend's explanation.

The Earl of CAMPERDOWN said, he must crave the indulgence of their Lordships in the event of his being unable to give an immediate explanation on all the points raised by the noble Duke—the terms of his Notice, "to ask a Question as to the proposed armament of the new Turret Ships" having scarcely foreshadowed all the subjects into which he had entered. With regard to the office of Inspector General of Marines, it was created in 1862, being held by General Sir Anthony Stransham until 1867, when he was succeeded by General Travers. For reasons which it was unnecessary to enter into, General Travers resigned towards the close of 1868; and the then Board of Admiralty did not think it necessary, in the interests of the service, to appoint a successor. Mr. Childers shortly afterwards came into Office; and hitherto he had seen no reason for departing from the policy of his predecessor, though he had not definitely abolished the office. Two of the chief reasons given for creating the office was that there was an Inspecter General of Infantry in the army, and that the Marines had increased from 9,000 to 18,000. Now, they had since been reduced by upwards of 4,000, and in 1865 the office of Inspector General of Infantry was abolished—so that those reasons had ceased to be of weight. He believed that the inspection of Marines was previously conducted by a general officer commanding the district, and the future arrangements were still under the consideration of the First Lord. The noble Duke had asked how the Admiralty were going to put 25-ton guns into ships when the War Office were not making guns of more than 12 tons; but the explanation was very simple—the 25-ton guns were already made. The Admiralty had in their possession eight or nine 25-ton guns from the land service which were intended for the *Monarch* and *Captain*, and the War Office could furnish twenty more if requisite during the present year. But the Admiralty would only require this year one 25-ton gun for the *Glatton*, and an 18-ton gun for the *Sultan*, and another of the latter size for the *Hotspur*. With regard to the two new turret-ships and the *Hotspur* ram, there was no probability that their guns would be required for a considerable period, the Estimates of the present year providing for the building of only 1,332 tons of the vessels, whereas the total tonnage was 12,000. The progress of gunnery, as the noble Duke had remarked, was very rapid, and possibly we should be called upon in the next two or three years to introduce 50-ton instead of 25-ton guns into these ships. If, however, such should be the case, the turrets were so constructed that, instead of carrying two 25-ton guns, they could, by a slight alteration, be made to carry one 44 or 50-ton gun. The noble Duke had complained that the *Monarch* was no guide for the future; but the reason was that it differed in almost every particular from the type of vessels now about to be built. The *Monarch* had large masts and yards, while these vessels had none; it carried a much larger crew, and had a high freeboard, while these vessels had a very low one. It would have been useless, therefore, to wait for experiments with the *Monarch* and *Captain,* for no experiments with them would prove the merits or demerits of high as compared with low freeboards, both of them being vessels of high freeboard. The *Monarch* had 14 feet, and the *Captain* 8 feet of freeboard, whereas the new vessels had only 4 feet 6 inches of freeboard nominally, and the *Miantonomah* and *Monadnock,* which most closely corresponded to the new class of vessels, had only 2 feet 7 inches, and 3 feet 2 inches. He was hardly in a position to state why the Controller and Chief Constructor were now in favour of a low freeboard, but he presumed the reason to be that the *Monarch* and *Captain* were intended to be sea-going ships and for sea-going purposes almost entirely, whereas the two new vessels were for the general purposes of warfare, and would be used for whatever emergency might arise. It might be very disagreeable to live on this class of vessels, but as long as other nations built them, and as long as they proved the most powerful in the world, England would find it necessary to imitate her neighbours. As to running over these vessels, and taking the chance of what might happen, it was just possible that just as a ship was approaching a turret-ship for that purpose, one of these 25-ton guns might suddenly arrest its progress. Noble Lords whose ancestors had gained considerable renown at sea would probably be not only surprised, but terrified at seeing one of these extraordinary vessels, and he feared stokers would in future be of more account than seamen. This, however, was one of the conditions of warfare for which the Admiralty could not be held responsible. As to what guns were being got ready for the flying squadron, he could not answer the question at once, but would take another opportunity of doing so. The noble Duke had complained that vessels of this class had what is known as their freeboard habitually under the sea; but this was not necessarily an inconvenience, for it had been found in action that the water passing over the freeboard was an additional defence, by causing the shot to deflect. When the noble Duke said that the freeboard was only 4 feet 6 inches, he was no doubt verbally correct—nominally the freeboard of these two vessels was only 4 feet 6 inches; but the Admiralty proposed to apply to them the system of armour-plated breastwork which had been adopted in the case of the *Cerberus*, the *Magdala*, and the *Abyssinia.* This would raise the freeboard from 4 feet 6 inches to nearly 12 feet. The armour-plated breastwork might be described as an additional bulwark nearly 7 feet 6 inches in height, and was practically the same as the side of the ship. It was covered with armour-plates 12 inches thick, and decked in at the top, the deck being covered with armour-plates 2½ inches thick. This deck was perforated with creeping-holes which afforded an entrance into the ship. He was not clear whether the noble Duke thought a high freeboard was preferable to a low one. He himself was of opinion that, for the reasons he had mentioned, and considering also the saving of expense that would be effected in the matter of armour-plates, a low freeboard was greatly preferable to a high one. He would briefly call their Lordships' attention to the opinions expressed by several eminent men on this subject. But first of all he would remind the noble Duke that he must not compare the two vessels now proposed to be built with the *Monarch* and the *Captain,* which differed from them in almost every particular. The vessels which most resembled those about to be laid down were the *Miantonomah* and the *Monadnock.* The First Lord of the Admiralty, he might remark, did not make up his mind on this question without taking into consideration every possible position of affairs, and consulting the most eminent men. On the 24th of March he called before a full Board at the Admiralty the following gentlemen:—The Earl of Lauderdale, Admiral Young, Captain Cowper Coles, Dr. Woolley, Mr. Fairbairn, and Admiral Key. The designs of the two ships were brought under the notice of the meeting by the Constructor of the Navy and the Controller, who gave a full explanation of them. Subsequently the First Lord invited all the gentlemen present to express their free and uncontrolled opinions on four points —1st, as to the low freeboard; 2nd, as to the absence of masts; 3rd, as to the employment of twin screws in respect of the draught of water; 4th, as to the armament. He (the Earl of Camperdown) might say that there was great concurrence of opinion that a low freeboard was the most desirable. They were also agreed that it was very desirable that there should be no masts, and, like the noble Duke, they perceived the advantage of twin screws. Then as to the armament they were very nearly agreed. The 50-ton gun was not then invented, and the 25-ton gun was sufficient to perforate any armour-plate hitherto made. Under the circumstances, therefore, it was thought desirable to adhere to the 25-ton gun; but he might mention that either turret might by means of slight alterations be rendered capable of carrying one 50-ton gun instead of two 25-ton guns. He would read to their Lordships an extract from a letter, addressed on the 6th instant to the Secretary of the Admiralty by Admiral Hope, who was in command at Portsmouth. It ran as follows:—

> "Sir,—In reply to your letter of the 3rd instant, you will be pleased to acquaint the Lords Commissioners of the Admiralty that, after a careful perusal of the papers describing the new designs for armour-clad ships, I entirely concur in the principles upon which these designs are based, as stated in italics in Paper 'A'; and that I look forward to these vessels, or others of even a more formidable description, should it be found practicable and expedient to increase the calibre of the guns, becoming the line-of-battle ships of the future."

That, in his judgment fully justified the First Lord of the Admiralty in taking the course he did. He had endeavoured to answer as far as he could the Questions of the noble Duke, and had stated the reasons for which, as he believed, these changes were made. If, on further inquiry, he should find that he had been inaccurate in any particular, he would take the earliest opportunity of placing a true account of the matter before their Lordships.

THE EARL OF HARDWICKE said, he would not enter into the discussion concerning the details of these two ships, because he knew nothing about them. But there was one point which struck him as being a distinct one. It appeared to him that, as far as general purposes were concerned, it was contrary to common seamanlike practice and understandstanding to construct vessels with a low freeboard and without masts. A low freeboard meant a wet ship, which could not fight her guns in a heavy sea. For general purposes it would be better to have masts, though their absence might be advantageous if the vessels were intended exclusively for purposes of war. Then, if these vessels were to draw twenty-six feet of water, they would be unfitted for the purposes for which they were designed. This discussion would impress more strongly on their Lordships' minds the fact that we were continually trying experiments at an immense cost. Whether such experiments were absolutely necessary or not he would not say; but at all events they did not seem to rest anywhere, and we had wasted a prodigious sum of money to no purpose. Only a very short time, comparatively speaking, had elapsed since the method of armour-plating was invented; but during that period a constant struggle had been maintained with regard to armour-plates. He believed, however, that if you were to place two armour-plated vessels alongside each other, whatever might be the thickness of the plates, a fight between them would end like a contest under similar circumstances between two of the old wooden ships. Both would be penetrated, although the amount of destruction would be far greater in armour-plated than in wooden ships. After all our experiments we had not succeeded in producing a ship which could prevent the entrance of a shot. In his opinion the first requisite for a ship was that she should be tolerably safe when afloat on the ocean, but this was a condition which was now very much disregarded. The last report of the Admiral commanding the Channel Fleet stated that he had not been able to test the seaworthiness of the vessels except in one instance, when a ship—the name of which he (the Earl of Hardwicke) could not call to mind—

in very moderate weather, was ordered to fire from her bow port, but she shipped such an enormous quantity of water through the port that she could not fire the gun. In the former Report to the Admiralty it was stated that they had rough weather—the very thing they wanted—and the ships rolled so heavily in a very moderate sea that they could not fire the guns. Besides, the ships were so flooded with water that he heard it said that the Admiral had to swim for his life inside his own vessel. The story of the British fleet was lamentable. Why, then, were they going on with experiment after experiment? The noble Earl (the Earl of Camperdown) had stated that two new ships were to be taken in hand before the two on the stocks had been tried, and these new vessels were to be without masts or yards. He (the Earl of Hardwicke) did not think that at all a wise course of proceeding. If we were to have guns of such vast size as twenty-five tons, no doubt they must be carried, not on the broadside, but on a turntable; but the result of all that was being done was an enormous expenditure. And then there was no classification. They had engines of different sizes, but none of the same class. But after all this enormous expenditure, what was looming in the distance? Had any noble Lord read what had occurred in the last American civil war? They fought battles by sea, but the public did not know the number of vessels that had foundered owing to the employment of the torpedo, which had acted with the greatest possible effect. It seemed to him that all our expenditure and all our experiments would lead up to the perfecting of those machines—the torpedoes—and the result would be to make useless and obsolete all the improvements they had made. Would it not, therefore, be wise under these circumstances to suspend operations, and rest a little while to perfect what had been already done?

THE EARL OF CAMPERDOWN said, the noble Earl who had just sat down (the Earl of Hardwicke) had complained that those two new ships which the Admiralty proposed to build would have a very low freeboard. But did the noble Earl suppose that if they were to have as high a freeboard as could be given to them—if they were to have a freeboard 14 feet high—that would make them more dry and comfortable? Then the noble Earl said that they would be a source of great expense, and that we ought to wait until the *Captain* and *Monarch* had been tried. The *Captain* and *Monarch* were vessels of an entirely different class, and no doubt the vessels would be expensive; but it remained to be proved whether sails would have any effect whatever on a turret-ship. Suppose we did not go to this expenditure, and that we were to remain content with the state of things that existed four or five years ago, if we should get into a war with the United States, and they were to destroy our navy, did not the noble Earl think that great fault would be found with the present Board of Admiralty and with other past Boards because they had neglected to increase our naval strength in the meantime? The noble Earl had alluded to the *Bellerophon* and said that it had been impossible to fire her guns in a moderate sea. That, he believed, was perfectly true; but then it was only fair to state that the *Bellerophon* was going at the time with full steam. As for waiting until the *Monarch* and *Captain* were tried, that would hardly be advisable, because the new vessels were to be of an entirely different class and had nothing in common with the others, and if we were to wait it would throw our naval operations entirely into arrear.

THE DUKE OF SOMERSET inquired whether the Admiralty would lay on the table certain Papers in connection with the subject? There was no necessity for secresy about any of the vessels we were building. The French had observed no secresy with regard to their ships, but had given us all the information which we had asked for. He wished also to ask whether any of the 25-ton guns had been tried with a full charge, for that was a very important consideration before they were to be put on board the turret-ships?

THE EARL OF CAMPERDOWN said, he did not exactly know whether it would be in his power to make public the Papers to which the noble Duke had referred, but if he could do so he would lay them on the table. As to whether any of the 25-ton guns had been fired with a full charge, he thought that could hardly have been the case, because the turrets had not been made.

THE DUKE OF SOMERSET said, the guns would, of course, be tried before they were put into the turrets.

THE "TORNADO."

PETITION OF CREW.

The Marquess of CLANRICARDE presented Petitions of Andrew Sillars and others of the crew of the *Tornado*, and of Catherine Macpherson, widow of third mate of the *Tornado*, for compensation and redress for injuries sustained from the Spanish Government. As their Lordships were well aware these petitioners had undergone a great deal of hardship; their property had been taken away, though they had committed no offence either against municipal or International Law. They had been treated as if they were prisoners of war, and yet they had done nothing which could render them liable to such treatment. It was now three years and a-half since their property was taken, and they had obtained no redress whatever for the injuries they had suffered. It was entirely unprecedented that these people should have their money taken from them, and having suffered such grievances they were surely entitled to know why. It was true that they had been set at liberty upon the remonstrances of our Government some time ago; but their property had not been restored, and no attempt had been made by the Spanish Government to consider their case. The opinion of the lawyers of this country was that they had been treated in a lawless manner. He hoped his noble Friend the Foreign Secretary would give his attention to their case; for, notwithstanding the difficulties which all must acknowledge to have arisen from the change of Government in Spain, it could not be denied that there was no case for further delay. He wished to know what had been done in the matter?

The Earl of CLARENDON: I am afraid I cannot give a very distinct answer to the Question that has been put by my noble Friend; but all your Lordships must be aware that this unfortunate case has been very protracted, and that, owing partly to the proceedings of the Spanish courts and partly to those of the counsel for the defendants, this case has become one of great intricacy as well as great delay. All the Papers have been laid on the table of the House except a few which I can present next week. Those who study the case will see that my noble Friend the late Secretary for Foreign Affairs did everything he possibly could to protect the right of the prisoners to an impartial tribunal, and Sir John Crampton was particularly instructed to demand the liberation of the crew. There have been two trials; at the first the prisoners were represented; at the second they were not. The Spanish Government has all along considered the men as prisoners of war. Macpherson was actually in the service of the Chilian Government, and was taken prisoner in the ship as it was going into the service of Chili. My noble Friend, after consulting the Law Officers respecting the second trial, felt unable to maintain that there had been any denial of justice; but as there had been a promise to a certain extent that the case should be re-heard, we have sent out to ask for a new trial. We have not yet received a definitive answer from the Spanish Government, but we know from Sir John Crampton that the matter has been decided by the Supreme Council in Spain, and is now under the consideration of the Government. I can only say that if there is anything we can do, either in the shape of remonstrance or argument, I shall be most happy to do it; but I am sure the Spanish Government will not take the same view of the matter as that taken by my noble Friend. The Spanish Government regards the vessel as a vessel of war and a good prize, and the men consequently as prisoners of war. It is not therefore probable that Spain will pay the indemnity my noble Friend claims.

The Marquess of CLANRICARDE said, he did not believe any opinion existed declaring the trial to have been a proper one, nor that Spain would venture to declare, in the face of Europe, that a trial in which persons were examined under torture could be a fair one. Lord Stanley had not admitted that the trial and confiscation were legal, and he hoped the noble Earl had not done so.

The Earl of CLARENDON said, he had expressed no opinion at all upon any of these points.

Petition *ordered* to be laid upon the Table.

House adjourned at Seven o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 8*th April,* 1869.

MINUTES.]—Ways and Means—*considered in Committee.*

Public Bills—*Ordered—First Reading*—Newspapers, &c. * [66]; Sunday and Ragged Schools * [67].

Second Reading—Contagious Diseases (Animals) (No. 2) [38].

Committee — Report—Civil Service Pensions * [46]; Life Assurance Companies * [35-65].

RITUALISTIC PROCESSIONS.

QUESTION.

Mr. STAPLETON said, he would beg to ask the Secretary of State for the Home Department, Whether his attention has been called to a statement in *The Times* of the 27th instant, that a Ritualistic procession took place on Good Friday in the parish of St. George in the East, in this Metropolis, which started from St. Peter's Church, and went all round the parish through the public streets, headed by the incumbent in a plain cassock, a curate, choristers, and others, making twelve stations by the way, at each of which the incumbent delivered a discourse referring to the ascent of Mount Calvary; and, whether such processions were in accordance with the Law?

Mr. BRUCE: Sir, I read the report of this procession in the newspapers, but I have received no account from the Metropolitan Police, nor does it appear that any report of it was sent to the Chief Commissioner. These processions are not in themselves illegal. The law makes no distinction between religious and political processions or assemblages; but, if they are likely to lead to a breach of the peace, there are methods by which they can be put a stop to or rendered illegal. An information may be sworn before the justices, and thereupon notice will be given to the parties that such procession or assemblage tends to a breach of the peace, is unlawful, and must not be held. If no such fears are apprehended, then those persons who are interested in preventing the disturbance of the streets may apply a general remedy which is open to anybody—I mean the general remedy under the Highway Act, by which a penalty of 40*s.* may be imposed on any person who obstructs the free passage of the streets.

IRISH CHURCH BILL—QUESTION.

Mr. DISRAELI: Sir, I wish to ask the First Lord of the Treasury, To state at once the number and names of the persons proposed to be appointed Commissioners of Church Temporalities in Ireland under Section 3 of the Irish Church Bill?

Mr. GLADSTONE: Sir, I am very sorry that I cannot meet what would appear to be the wish of the right hon. Gentleman—that I should state at once the numbers and names of the persons proposed by the Government as Commissioners under the Irish Church Bill, further than by saying that in an indirect manner a statement is made in the Bill with respect to the number of the Commissioners. The number which we have contemplated—and I hope it will be sufficient for the purposes of the Bill—is three. But I am not able to speak positively even upon the subject of the number, though it would only be with great reluctance if we found it absolutely necessary to take power to extend that number. I am not in a condition to state the names of the Commissioners at the present time. I will endeavour before going into Committee on the Bill to give the House intimation of the period at which we hope to be able to propose the number and names in a definite manner.

METROPOLIS—NEW COURTS OF JUSTICE.—QUESTION.

Mr. W. H. SMITH said, he wished to ask the First Commissioner of Works, If it is the intention of the Government to proceed with the Courts of Justice Concentration (Acquisition of Additional Site) Bill during this Session?

Mr. LAYARD said, in reply, that it was not the intention of the Government to bring in the Bill at present. He would wait until the Motion of his hon. Friend the Member for Galway (Mr. W. H. Gregory) on this subject was disposed of.

IRELAND—THE FENIAN PRISONERS.

QUESTION.

Sir GEORGE JENKINSON said, he wished to ask the Chief Secretary for Ireland, As some misapprehension prevails as to the thirty-four Fenian Convicts released or about to be released in Australia, to state whether those men have yet been released, or whether, in consequence of the conduct of those who have been released in Ireland, the release of those in Australia, or of any of them, will be stopped; and, if not, whether those thirty-four Fenian Convicts, or any of them, are to be brought back to this Country; and, if so, are any of them to be brought back at the public expense; and, if so, how many of them. Has the Report of the Law Officers of the Crown in reference to the proceedings at the meeting held at Cork on the 17th of March, and presided over by the Mayor of that City, been received yet; and, if so, has it been acted upon; and, is the Mayor of Cork still in the commission of the peace?

MR. CHICHESTER FORTESCUE: Sir, the greater part of this Question I have already answered twice. I will answer it again as nearly as I can in the words I used before—namely, that Her Majesty's Government have no intention to bring back, at the public expense, the political convicts for whom an order of release has been sent to Australia; but, at the same time, they think it right to secure their own liberty of consideration in any individual case which may, by possibility, come before them hereafter. The next part of the Question is—"Whether, in consequence of the conduct of those who have been released in Ireland, the release of those in Australia, or any of them, will be stopped?" The release of the convicts in Australia will not be stopped. The seditious language which has been used in Ireland by two or three of the released political prisoners, which has been very generally reprobated in that country, and which has had no effect but that of injuring the unhappy cause on behalf of which it has been used, is not, in the opinion of the Government, any reason for altering the advice given to the Crown as to the amount of clemency which should be extended to the political prisoners. With regard to the last part of the Question, the Government have taken the advice of the Law Officers, and have decided not to take any steps against the Mayor of Cork. They think it would be very unadvisable and injudicious to do so; and I have to remind the hon. Member that the Mayor of Cork is not a justice of the peace under the control and supervision of the Lord Chancellor or the Lord Lieutenant, but is *ex officio* a justice of the peace, as the chief executive magistrate of the corporation.

IRELAND—IRISH FISHERIES COMMISSION.—QUESTION.

MR. DODDS said, he wished to ask the Chief Secretary for Ireland, Whether he is aware that two of the Special Commissioners for Irish Fisheries addressed a letter on the 11th April 1868, to the Irish Government, requesting advice and direction on the following point—namely, whether the Government wished the business of the Commission to be carried on on the principle that, in the event of differences of opinion existing between the three Commissioners, the opinion of the majority must govern each official act; and, further, stating that unless that point were authoritatively settled by the Government the transaction of the business must be seriously impeded; and, whether he is aware of the reason why the Government refused to answer and has never answered the appeal so made to them by their officers? He also wished to know when the Copies of Correspondence, &c., relating to Fisheries (Ireland), ordered on the 22nd of March last, will be in the hands of Members?

MR. CHICHESTER FORTESCUE replied that the Returns were being prepared with all speed. With regard to the Question why the appeal made by the Fishery Commissioners had never been answered, he would prefer that the hon. Member should ask some Member of the late Government for information on that point.

LOCAL TAXATION.—QUESTION.

SIR GEORGE JENKINSON said, he wished to ask the President of the Poor Law Board, If he will state when the Returns on the subject of Local Taxation, moved for by Mr. Hunt, will be ready, and will be presented to the House?

MR. GOSCHEN replied, that the Returns on the subject of local taxation, moved for by the right hon. Gentleman (Mr. Hunt) occupied 660 pages. The whole of that portion of the Return which was obtained from the overseers, occupying 600 pages, was in the printer's hands, and was being prepared as rapidly as possible; but, as there was an immense mass of figures to revise, he could only say that the Returns should be laid on the table with the least possible delay.

ACCIDENTS IN COAL MINES.

QUESTION.

MR. GREENE said, he would beg to ask the Secretary of State for the Home Department, When it may be expected the Government Bill for further prevention of Accidents in Coal Mines will be brought before the House?

MR. BRUCE said, in reply, that a Bill was in course of preparation for the prevention of accidents in coal mines, and that he hoped to be able to introduce it in about a week's time.

IRELAND—MAYOR OF CORK.

QUESTION.

MR. MAGUIRE said, in reference to some observations made before he entered the House with regard to the Mayor of the city he represented, he wished to ask, Whether that gentleman had not on two occasions—namely, the ball given on St. Patrick's night, and the ball given by the Foresters in Cork —distinctly repudiated the sentiments uttered by certain persons on those occasions?

MR. CHICHESTER FORTESCUE said, he had made it his business to examine the reports in the Cork papers, and could confirm strictly and literally what had been said by his hon. Friend.

VALUATION OF PROPERTY BILLS.

QUESTION.

MR. LIDDELL said, he wished to ask, Whether it is intended to proceed with the Valuation of Property Bills that night? There was a feeling in the metropolis that they were being hurried through the House in an inconvenient manner.

MR. GOSCHEN said, in reply, that he did not propose to proceed that night with the Valuation of Property (Metropolis) Bill; but, considering the period of the Session, it could not be said that the Bill had been pressed forward with undue haste. With respect to the other Bill, the Valuation of Property Bill, that measure had been before the House for some time, and as it was generally the same as the Bill originally introduced by the right hon. Member for Northamptonshire (Mr. Hunt) he should consider it his duty to proceed with the second reading that night, if it could be brought on before eleven o'clock.

SCOTLAND—PORTPATRICK HARBOUR.

QUESTION.

SIR FREDERICK HEYGATE said, he wished to ask the President of the Board of Trade, If it is true that the works of Portpatrick Harbour have lately received serious injury from storms; also, if he can state the probable sum that would be required to put it into repair, and render it a safe Harbour for a Packet Station; and the total amount that has been altogether expended upon the Harbour?

MR. BRIGHT in reply, said, it was true that some damage had recently been done to the South pier and jetty in the storms of the past winter. In July last a representation was made by Mr. Coode, civil engineer, that £9,000 would be required to repair the damage caused before that time, and that not less than £21,500 would be required to place the harbour and pier in a condition of permanent safety; and, of course, in addition to the latter amount, a sum would be required to repair the damage caused since the estimate was made, in July last. With respect to the total expenditure on the harbour, the sum down in the books of the Department was not less than £252,112 14*s.* 7*d.*

IRELAND—MAYNOOTH COLLEGE.

QUESTION.

MR. NEWDEGATE said, he would beg to ask the First Lord of the Treasury, Why Clause 19, of the Act 8 & 9 *Vict.* c. 25 (the Maynooth Act of 1845), which requires that the Reports of the Visitors of the College of Maynooth shall be annually laid before Parliament, has not been regularly complied with; what Department of the Government is responsible for complying with the Order of this House, dated the 8th of March last, by presenting the accounts, &c., required by that Order; whether any further Order on the part of the House is necessary to explain the meaning of the words "otherwise maintaining the College of Maynooth," which form part of the above Order, so as to insure the production of accounts showing the sums of Public Monies voted, granted, or borrowed, that have been paid and expended for the purposes of the above College, other than for the building, enlarging, improving, and repairing the fabric thereof; and, if no further Order on the part of this House is necessary, when the above accounts, which are not included in Return No. 102 of the present Session, will be in the hands of Members?

MR. GLADSTONE, in reply, said, that no Department of the Government had any knowledge or responsibility with regard to the Reports of the Visitors of Maynooth College, but he would make inquiry on the subject, and state the result to the hon. Member as soon as possible. With regard to the recent Order of the House, the Treasury was responsible for compliance with it, and the delay in the presentation of the accounts had been occasioned by the construction put on the words calling for the accounts. The terms of the Return required a statement of the sums expended on repairs and so forth, and the words "otherwise maintaining the College of Maynooth" were understood to be *in pari materia;* but as it was now understood that the hon. Member desired to have a statement of the mode in which the money granted by Parliament had been laid out the Treasury would present the accounts in the way desired, and it would be unnecessary to make a new Order. The Government would make every effort to place the accounts in the hands of Members as soon as possible, and he might inform the hon. Member that the Parliamentary Paper No. 301 of last Session contained a great deal of information with respect to the repairs of Maynooth College.

MR. PEMBERTON said, he would beg to ask, Whether it is not the duty of the Attorney General for Ireland to enforce compliance with the Order?

MR. GLADSTONE: I am not aware that there is any peculiar duty incumbent on the Attorney General for Ireland to enforce the Orders of this House. [MR. PEMBERTON: The Orders of an Act of Parliament.] There is really no such formidable issue here before us to bring the Attorney General into action. Compliance not having been given, it is reasonable to suppose that the matter has only been overlooked, and that a proper explanation will be given,

CENTRAL ASIA.—OBSERVATIONS.

MR. GLADSTONE: Sir, I am desirous, if the House will kindly permit me, to make an appeal to the hon. Member for Penryn (Mr. Eastwick), who has a Motion on the Paper for to-morrow; and I could not well postpone making it till to-morrow or the House would be taken by surprise. The hon. Member has a Motion which stands for to-morrow to call the attention of the House to the state of affairs in Central Asia, and to move for Papers in relation to it. Her Majesty's Government, having considered the terms of that Motion, are of opinion that, although it might in some respects be inconvenient to have some parts of that subject discussed, there are others which might with advantage be discussed; yet, on the whole, it would not be for the interest of the public service that a discussion should be raised in this House in regard to it. Some misapprehensions have undoubtedly gone abroad with reference to the nature of the transactions in Affghanistan, which might be cleared up. The chief misapprehension is as to an annual subsidy to be paid by the Indian Government to the Ameer of Affghanistan. That is an entire misapprehension. But the Central Asian is a much larger question. There have been communications, I am happy to say, of a very friendly and favourable character between Her Majesty's Government and that of the Emperor of the Russias, but those communications have not reached a conclusion, and it would not be, in our opinion, advantageous or conducive to the satisfactory progress of the subject if the matter were prematurely discussed. When the conclusion has been reached I shall be very happy to make it known to the hon. Gentleman and the House, and I trust to his kindness and prudence that he will accede to the request I now make, that he will postpone his Motion, reserving, of course, an unfettered discretion for its renewal at any future time he may think fit.

MR. EASTWICK said, he was most anxious, as he believed other Members were on both sides of the House, that the Motion of which he had given notice for to-morrow should be discussed. He had given a previous Notice on the subject, but at the intervention of the Government he had postponed it. He was quite aware that there might be a critical point at which, when negotiations were pending, public discussion might be disadvantageous; but if postponement of discussion were to become a system it must be detrimental to the public interests, as tending to stifle all discussion on foreign policy. But after the appeal made to him by the right hon. Gentleman he felt bound to give way on this occasion, trusting, however, that on an early day he should be enabled to proceed with his Motion.

WAYS AND MEANS—FINANCIAL STATEMENT.

Considered in Committee.

(In the Committee)

THE CHANCELLOR OF THE EXCHEQUER: Mr. Dodson—In the long and intricate statement which I am afraid it will be my duty to submit to the Committee, I feel I shall have extreme need of their kindness and indulgence. I am quite aware that under no circumstances could I be equal to discharge adequately the task which is imposed upon me; but there are certain difficulties and disqualifications peculiar to myself which make my discharge of it more onerous to the Committee than it might have been in other hands, and I therefore earnestly hope to receive their patience and indulgence. With these few words of preface I address myself at once to the Financial Statement which it is my duty to make, and in which there seems to me to be wanting no element of difficulty and embarrassment.

In order to make the observations I have to submit on the Accounts of last year as clear as possible, I think it will be advisable to eliminate from them all matters connected with the Vote for services in Abyssinia which I obtained some weeks ago from this House. The Vote of Credit was given by the House; but the Ways and Means have not yet been provided, and by introducing that large sum into the calculations, I should, I think, only disturb them. It will be fair to the right hon. Gentleman the Member for Northamptonshire (Mr. Hunt) in the analysis of his statement which it will be my duty to make, to do so without reference to this specific matter, which, though introduced into his financial year, had really nothing to do with it. The Committee will, therefore, please to understand that, in the analysis I submit, I omit at present the subject of Abyssinia, except so far as it was present in the mind of the right hon. Gentleman when he moved the Estimates in Parliament on the 23rd April last, reserving a full consideration of it to the time when I have gone through what I have to say with regard to our Estimates. The right hon. Gentleman on the 23rd of April last year estimated the Revenue for the current year at £73,150,000. The actual Receipts for the year have been £72,591,991 — showing a receipt less than the right hon. Gentleman estimated amounting to £558,009. The Estimate of the right hon. Gentleman, as compared with the actual receipts, stands thus—The Customs he estimated at £22,800,000; the Customs have fallen short of that amount by £376,000: the Excise he estimated at £20,330,000; the Excise has exceeded that estimate by £132,000: the Stamps he estimated at £9,650,000; the Stamps have fallen short of that amount by £432,000: the Taxes he estimated at £3,540,000; the Taxes have fallen short of that amount by £46,000: the Property Tax he estimated at £8,700,000; the Property Tax has fallen short of that amount by £82,000: the Post Office he estimated at £4,650,000; the Post Office has exceeded that estimate by £10,000: the Crown Lands he estimated at £350,000; the Crown Lands have exceeded that estimate by £10,000: Miscellaneous he estimated at £3,130,000; they have exceeded that estimate by the large sum of £225,991. So that the Receipts are less than the Estimates by the sum of £558,009. Having made that comparison, I proceed to compare the Revenue of the year 1868-9 with that of the previous year. I find that the total Revenue of 1868-9 amounted to £72,591,991; while the Revenue of the previous year amounted to £69,600,219; so that there was an increase of receipt over the former year of £2,991,772. It will be interesting to the Committee to know under what heads the Income last year fell short, and in what it exceeded the previous year. The receipts of the Revenue during last year have exceeded the receipts of the year before, in the Excise by £300,000, in the Property and Income Tax by £2,441,000, in the Post Office by £30,000, in Crown Lands by £15,000, and in Miscellaneous Receipts by £769,772; while there has been a falling off in the receipts from Customs of £226,000; in Stamps of £323,000; in Taxes of £15,000; the net increase of Income on the year being £2,991,772. With regard to these items one remark occurs at once—it is, that the articles of consumption by the wealthier class have, on the whole, held their ground and even improved; while the articles of consumption by the poorer classes have, I am sorry to say, apparently suffered most. On tea there has been a falling off of £234,000, on sugar of £153,000, on coffee and chicory of £50,000, on tobacco £41,000; whilst on wine there has been an increase of £51,000, and on spirits, those consumed by the rich, such as brandy, there has been an increase of £200,000; while on British spirits there has been a falling off of £350,000, and on rum of £175,000. On malt there has been a gain of £210,000: that, however, is attributable to our dealing with the duty last year. There is a decrease on marine assurance of £80,000, occasioned by alterations in the law by the right hon. Gentleman the Member for Buckinghamshire in 1867. The legacy and succession duties have fallen off, curiously enough, to the extent of no less than £170,000—a matter, I must say, in justice to the right hon. Gentleman, of sheer ill-luck, for although death has been busier than usual he has avoided striking at those whose death would enrich the Revenue. As these things, however, compensate themselves in cycles, we may—I must not say hope—but expect a corresponding increase in these duties next year. The large increase of the income tax is due to the imposition first of 1*d.* and then of 2*d.* The next comparison I have to make is between the Estimate and the Expenditure of 1868-9, including the Estimate and Supplementary Estimate of the right hon. Gentleman as compared with the actual Expenditure of the year. The case stands somewhat thus—The interest of the Debt charged on the Consolidated Fund he estimated at £26,700,000: it was less than that by £81,674. The other charges on the Consolidated Fund he estimated at £1,865,000: they were above that sum by £22,286. The Army expenditure he estimated at £15,456,000: it was short of that by £456,000. The Navy expenditure he estimated at £11,157,000: it exceeded that by £209,545. The Miscellaneous Civil Services he estimated at £9,249,000; and they fell short of that by £265,981. The Revenue Departments he estimated at £4,968,000; and they exceeded his estimate by £53,302. The Post Office Packet Service he estimated at £1,089,000; and it exceeded that by £7,338. So that the Expenditure, omitting that on account of Abyssinia, was less than the estimate of the right hon. Gentleman by the large sum of £511,184—which very nearly balances the amount by which the Receipts fell short of the Revenue.

Having stated the Estimates for the Revenue and the Expenditure, it now remains to compare the two together. The result, still excluding Abyssinia, is that the Revenue for the last year actually collected was £72,591,991, and the Expenditure actually incurred, £72,972,816: so that there was an excess of Expenditure above Revenue of £380,825, which was the deficit for the past year. If to that we add the £2,000,000 voted last month, it will give a deficit, in round numbers, of £2,381,000. That, however, is a matter which I have purposely excluded, because it would appear to swell the deficiency, and I wish to deal only with the Expenditure which the right hon. Gentleman contemplated when he framed his Estimates. He estimated the deficit at £202,000, but the deficiency really has exceeded his estimate by £179,000.

I now pass from this subject to the more interesting one of the Estimates for the present year; and I shall pursue the same course in leaving out Abyssinia, except so far as it was dealt with in the Estimates of the right hon. Gentleman. I am sorry that the Estimates are not in the hands of Members. The difficulties in the way of getting them ready have been many and various, but I trust that in a day or two they will receive them. At any rate I will compare my estimate with that of the right hon. Gentleman. So far as the interest of the Debt is concerned the amount is absolutely identical, and stands at £26,700,000. The other charges on the Debt are £1,700,000. The right hon. Gentleman estimated them at £1,865,000;

the difference of £165,000 being occasioned by the transfer of the charge for the Diplomatic Services from the Consolidated Fund to the ordinary Estimates, and is therefore a mere matter of account. Our estimate for the Army this year is £14,230,000: the estimate of the right hon. Gentleman last year was £15,456,000, showing a reduction £1,226,000,. The Navy we estimate at £9,997,000: it was estimated last year at £11,157,000,—being a decrease of £1,160,000. The Miscellaneous Estimates tell a very different tale. We estimate them at £9,530,000: the right hon. Gentleman estimated them at £9,249,000—so that there our estimate exceeds his by £281,000. I will state how the difference arises presently. We estimated the Revenue Departments at £4,976,000: the right hon. Gentleman estimated them at £4,968,000—so that there is an increase of £8,000 on our part. The Post Office Packet Service we estimate at £1,090,000: the right hon. Gentleman estimated it at £1,089,000, showing an increase of £1,000 on our part. The effect of the two Estimates as compared with each other and excluding Abyssinia is that our estimate is £68,223,000, whereas, that of the right hon Gentleman—also exclusive of Abyssinia—was £70,484,000—showing therefore a gross reduction in our Estimates of £2,261,000—a reduction for which we are mainly indebted to what I will venture to call the heroic efforts of my two right hon. Friends, the Secretary for War and the First Lord of the Admiralty, who have conferred an obligation on this country which the Committee, highly as they may think of it, will not be able fully to appreciate until they have heard the whole of the Financial Statement which it will be my duty to make. I will offer no observation upon the Estimates for the Army and Navy, because my two right hon. Friends have already had an opportunity of making their own statements on this subject; the only item to which I will refer is that one to which I have paid most attention—the excess upon the Miscellaneous Service Estimates of no less than £287,000 over those of last year. Of course this is not the time, nor would the Committee have patience, if I attempted to go into the details of the Estimates, and show how every item came there; but I have selected two items which go to swell the amount. One is a mere matter of account, being a transfer from one part of the Estimates to another; and the other is a thing of spontaneous growth, over which the Government have no control. In the first place there is an increase in the Vote for Primary Education in England of £59,000. That is a matter of purely spontaneous growth, depending on the number of children attending the schools and passing the examination. Then there is an increase in the Estimate for Irish Education, which is pretty much in the same position—that is an increase of £13,000. Then there is £15,000 additional for superannuation, a matter over which the Government have no control, as it depends upon the rules that have been laid down by Parliament. Then there is an increase of £20,000 for the metropolitan police, which depends upon the contributions made by the metropolis itself. Then there is an increase of £16,000 for the county police, which arises in the same manner, arising from a grant made by the Government as against so much contributed by the counties. The diplomatic services which have been removed from the Consolidated Fund to the Miscellaneous Civil Service Estimates, are not less than £148,000. Then there is the expenditure of the House of Lords, which has hitherto been managed by that House itself, but which now appears in the estimates: it amounts to £46,000. Adding these different items together I find that I have shown, as against an increase of £287,000, new items, either occasioned by changes in the manner of keeping the accounts, or by the spontaneous growth of charges over which we have no control, amounting to £323,000. So that I hope we stand excused from any charge of wilful extravagance, because it is quite possible for an Estimate to grow to an inordinate size without the Government having the slightest power to check it.

I now come to our estimate of the Revenue of 1869-70, which I will also compare with that of the right hon Gentleman for 1868-9; and I beg the attention of the Committee to this matter, because it has a bearing upon the degree in which they may be justified in relying upon the figures that will be submitted to them. The estimate we have made for the yield of the Customs is £22,450,000;

the actual receipt of the Customs for the past year was £22,424,000, so that our estimate exceeds that of last year by £26,000. Considering how this Department has fallen off, I think we have gone quite far enough in the way of caution when we have placed ourselves so nearly on a level with the actual receipts. The estimate for Excise is £20,450,000: and the actual receipts were £20,462,000; the estimate, therefore, has gone within £12,000 of the actual receipts. We have not allowed ourselves to entertain any hopes of any sudden changes for the better, because things are very bad; we have thought it better to take our stand on things as they are, and to look circumstances fairly in the face than to attempt to gloze them over by sanguine and inflated anticipations. Stamps are estimated at £9,350,000: the actual receipts were £9,218,000—so that the estimate is £132,000 above the receipts. That, I believe, is mainly due to the fact which I have mentioned—the extraordinary absence of mortality among persons having money to leave. We apprehend that this will be compensated for some day, for it is a matter which depends not in the least upon the state of trade or the affairs of the country, but is governed purely by the chances of life; hence we have a right to expect that there will hereafter be a turn in our favour. There is no property tax at the present moment; but taking it at 6*d*. in the pound I calculate it will produce £8,800,000: the receipts for the last year were £8,618,600, so that the estimate exceeds the receipts by £182,000. The Post Office we take at £4,880,000; last year it was £4,660,000—so that we estimate the amount at £220,000 more than last year. The Crown Lands we take at £375,000; last year they were £360,000—so that we estimate an increase of £15,000. Miscellaneous we take at £3,000,000; last year they were £3,355,991; but last year, as hon. Gentlemen are aware, the amount was swollen by the course which was adopted by Parliament. We took upon the Estimates the charges for the Irish Court of Chancery, and we sold the stock which was formerly liable to those charges, and paid the amount into this branch of the Revenue. As we must not expect that to occur every day, we cannot anticipate that the Revenue will maintain itself as it did under these exceptional circumstances. The estimate for these Miscellaneous Taxes is £3,000,000 and the actual receipts were £3,355,991. We estimate, therefore, a decrease of £356,000. The estimate of the Revenue for the current year amounts altogether to £72,855,000, and the actual Receipts of last year to £72,591,000—so that the net increase of Revenue in the Estimates for the now coming financial year is £263,000.

I will now proceed to compare what is the really interesting point—the Revenue for the year 1869-70, with the Expenditure for that year, still exclusive of the Vote for Abyssinia. The Income for the year 1869-70 is £72,855,000, and the Expenditure, exclusive of Abyssinia, is £68,223,000—so that if Abyssinia were out of the way we should have a surplus of £4,632,000.

Having gone through that part of my duty, I will now state, as succinctly as I can, the case with regard to Abyssinia—an element which hitherto I have studiously excluded, in order to do as much justice as I could to the right hon. Gentleman opposite (Mr. Hunt) by keeping this foreign element out of this discussion. The Committee is aware that, basing our Estimates upon the best information we could get, the whole expenditure of the war in Abyssinia will be covered by a sum of £9,000,000. But, yesterday, after it was far too late to attempt to make any change, if change were necessary, I received a telegram from Mr. Charles Turner, the gentleman whom we employ in Bombay to look after the expenditure in respect of the war, and to check it on our behalf. It is dated the 4th of April, and this is what it says—

> "Total Abyssinian charges in Bombay account, £6,618,000, including over £1,000,000 paid in Calcutta and Punjaub. Final and total"

—some substantive is left out here—

> "when vessels and stores are sold, will not exceed £6,830,000. Details by post."

So that if we are to take this as the literal basis of our calculations, we are better off than we supposed with regard to Abyssinia by a sum of £170,000. But, I think, the Committee will agree with me, comprising, as it does men of great experience, that, as men of business, though it might be very agreeable for us to rest upon this telegram—and I dare say it may be true—it would not do for us to assume that we have heard the last of Abyssinia. This very gentleman—of whom I speak with the utmost respect, for he is a man of the soundest business habits, an excellent and energetic public servant—telegraphed to us in December last that the total would be over £7,000,000. It is, in fact, impossible for him or for any man, in a matter so complicated and so large, to state within a small amount what the cost will actually come to. And, therefore, although it is my duty to lay this telegram before the House, it does not alter my view of what it would be wise for us to adopt as the basis of our financial proceedings; and I think we shall be fortunate if we can assure you that this estimate of £9,000,000 will not be exceeded. I myself, on behalf of the public, should be very glad to draw the stakes at that amount, if any Gentlemen felt inclined to guarantee us against any excess. The Committee will remember how we stand in regard to Abyssinia. In November, 1867, the right hon. Gentleman (Mr. Hunt), then, I think, Secretary to the Treasury, proposed a Vote of £2,000,000 in respect of Abyssinia, and found certain Ways and Means for that purpose. Last year in his Budget he provided £3,000,000 more for Abyssinia; £2,000,000 of which were paid, and £1,000,000 borrowed upon Exchequer Bonds issued in September last against the arrears of income tax which would be collected in the year. £4,000,000 therefore were paid, and £1,000,000 borrowed by the right hon. Gentleman; but it is due to him to say that he borrowed it against the proceeds of a tax which he himself imposed for the purpose of meeting it. Having obtained certain information that we were £4,000,000 short, in February last I obtained from the House a further Vote of Credit for the sum of £3,600,000. I did not ask the House for any Ways and Means to supply that Vote. I left that till my present Financial Statement. What we did was to borrow £2,000,000 to meet the current payments on account of the expenditure of the Abyssinian Expedition. £1,000,000 we borrowed from the Bank, and another £1,000,000 we took from the balances. These balances now stand at about £3,775,000; but we are really debtors to the Bank for £1,000,000 which we have borrowed from it; and therefore, for practical purposes, we must regard the balances as standing at the exceedingly low figure of £2,775,000. It is impossible to leave matters so; and we have, therefore, to provide for the £2,000,000 obtained in that manner, just as if we had not paid them at all. It is a charge which we have to meet, and it must be added to the expenditure. Thus there is £2,000,000 more — making the total expenditure £9,000,000. On the other hand, there are certain army payments, estimated at £400,000, which will come to hand and can be applied for the purpose of reducing this £2,000,000. The sum, therefore, we shall require will be £1,600,000, which, added to the £2,000,000 that I have previously spoken of, brings us up to £3,600,000. Then there are the Bonds upon which the right hon. Gentleman opposite borrowed £1,000,000. I do not say that we should be bound to provide for that amount, inasmuch as it was borrowed against arrears of taxes; but it would obviously not be fair if we were not in a position to meet this £1,000,000 when it falls due. This, therefore, raises the total Abyssinian charge to £4,600,000.

I stated that our surplus, irrespective of the Abyssinian transaction, amounts to £4,632,000. Putting aside the £32,000, which is a very small matter when we are dealing with figures of this magnitude, I may say, with strict accuracy, that for all practical purposes the two sums about balance each other, bringing us to an equilibrium. We have, as matters stand, neither surplus nor deficiency. That is the upshot of the Accounts which I have the honour to lay before the House.

I cannot make that statement, which although not over pleasant must still be satisfactory to the House, without once more acknowledging the obligations under which the country has been laid by the efforts of my two right hon. Friends; to their exertions we owe it that the balance was not turned against us. Of course, if we like, we may rest there—that is to say, not exactly rest, for it would not be a bed of much repose; we have an equilibrium established as far as expenditure and surplus go; we can pay off, as far as we know and believe, existing liabilities with regard to Abyssinia. But we should have nothing to spare, and the balances at present are in such a low state that we should have no surplus to look forward to at all. I think such a position would not be creditable to the country; and I should feel it my duty, if we were to stop there, to submit to the House whether it would not be their duty to impose some tax—I do not say what—which would have the effect of placing us in the position of having at our command a reasonable surplus to raise the balances from their present very dilapidated condition. We have at this moment almost every element of ill-luck that can beset a Government. We have a deficit of £381,000; we have a Revenue which shows not the slightest symptom of elasticity—indeed, it is much more like the flaxen thread that the spinner draws out than the band which rushes back to the place from which it has been dragged: we have these depressing circumstances to remember, and we have no surplus whatever. Accordingly, if we were to stay as we are, it would be the duty of this House to discover, or, at any rate, it would be my duty to urge this House to adopt, some mode of replacing the sum to be withdrawn from the balances to cover the amount of the Abyssinian outlay.

I have now to beg the Committee to allow me to make a digression which they will find is really to the purpose, and, leaving the subject of finance for a moment, just as Ariosto leaves his two knights shivering their lances with equal fortune, and, leaving the balance and the Abyssinian debt to fight it out between themselves, I wish to investigate for a short time a totally different subject. The subject to which I wish now to draw the attention of the Committee is one that has not, perhaps, received the attention it deserves. The attention of great financiers has been mainly occupied by the Customs' Department—probably owing to the very large sums raised by it, and to the very exciting nature of the Free Trade controversy which has been so long connected with it. But, there is another field of finance, on whose flowery walks I may be permitted to tread, and which is well worthy of attention; I refer to that class of taxes known as the Land and Assessed Taxes. These taxes consist of a number of items which seem to have very little to do with each other—and, indeed, I may say, have nothing in common except that they are collected by the same hands and at the same time. They consist of the land tax and the inhabited house tax, each of which realizes more than £1,000,000, the tax on male servants, on carriages, on horses, on horse-dealers, on armorial bearings, and on hair powder. They produce altogether the sum of about £3,250,000 of Revenue. They are collected not by officers of the Excise, but by a machinery which has antiquity to recommend it, and I think little else. The House is aware that every year we pass a Bill for appointing Land Tax Commissioners, who form the body to whom is ultimately intrusted the duty of collecting these taxes. They appoint certain selected members of their body to collect the income tax, and they appoint local assessors and collectors for each parish. Thus, these taxes are, in fact, in amateur hands—that is, in the hands of persons who serve the public gratuitously—nobody being paid, except the clerks who get a certain percentage, and the collectors who receive a poundage. The collection of these taxes, therefore, is in the hands of persons who have not been brought up to the business of tax-collecting. There is, I suppose, a sort of constitutional feeling in the matter—namely, that the subject should not only be allowed to tax himself in the House of Commons, but should be himself allowed to collect the taxes which he has voted. It is to the credit of Scotland that this system does not exist there—these taxes there are collected by officers of the Government, I believe, with the best effect. I may also mention that we have lately excepted one assessed tax from this rule in this country—we have turned into an Excise license the tax upon dogs. The change made with respect to this tax has been attended with remarkable results, showing the greater efficiency of professional as compared with amateur collection, for within one year no less than 600,000 dogs have been brought by the Excise under taxation who had previously evaded it. Then, as to the way in which these taxes are collected, I will beg the Committee to distinguish between the land tax and the inhabited house duty, which for the moment I put aside, and the other assessed taxes. The assessed taxes are collected in this way—They are collected for the financial year upon the largest number of articles liable to taxation which any person has possessed in that year. Therefore the tax does not become due until the whole year in which the tax is incurred has expired — because of course until the whole year is over no one can tell what is the largest number of any article he may have kept during the year—particularly if he has members of his family who stimulate the growth of the tax. At the end of the year the tax is assessed. The year ends for financial purposes at the beginning of April; so that about the end of the year the tax is assessed, and it is then collected in two halves—one half on the 10th of October in the same year, and the other half on the 10th of April in the following year. Now, let me give an illustration of the working of this system. Take the year 1868-9. From the 5th of April, 1868, to the 6th of April, 1869, people are liable for the largest number of articles liable to taxation that have been in their possession during that year. Say, for example, that a man buys a horse on the 7th of April, 1868, and sells him on the 8th of that month—he is liable for the tax upon that horse after the year has expired. After the year is over comes the assessment. If he has a very good memory, and he is very honest, he recollects the fact that he possessed the horse, and he includes it in his return to the assessed taxes; but if his memory is either short, or his honesty doubtful, he leaves it out, in the confidence that it is quite impossible for the Government to detect the omission. After the assessment has been made the collector comes round for the first half of the tax on the 10th of October; and on the 10th of April in the following year he comes round for the second half. So that it is actually the case that a tax may be incurred in one year, assessed in the second, and collected in a third. The taxation from the time it is incurred until the time it is paid occupies a whole space of two years, the tax being incurred in one year, and the other years being taken up with the assessment and payment. That is a state of things which is fraught with enormous mischief to the public interest. The tax is an annual tax imposed upon what a man has in the course of the year, and yet although it is not of very large amount, it is collected in two separate instalments—that is to say, the public is put to the expense of sending collectors to collect the tax twice a year when it might just as well be collected at once, and the Excise is put to the expense of having twice a year a circuit of officers, as it is called, for the purpose of receiving the money produced by it from the parochial officers. There is also great loss owing to the manner in which the tax is collected. The assessment coming so long after the time when the article is kept it is very difficult to check the return and to trace the number of articles kept by a person during the previous year, and the result is that an immense number of articles elude taxation. Again, the payment coming so long after the assessment the Revenue loses considerably by deaths, bankruptcies, and removals, which would not be the case if the tax were collected in a more prompt and business-like manner. These are, to my mind, evils of a most serious nature. The system, moreover, is most unjust to the tax-payer himself, because it enables a great number of people to elude taxation, and the burden in consequence falls heavier upon those who do pay. Therefore, speaking on behalf of the Revenue as well as on behalf of the tax-payer, I say that it is impossible to imagine a more unsatisfactory system. It is also a vexatious system, for a man honestly desirous of doing his duty and paying his fair proportion of the taxes is called upon to remember every change that takes place it may be in a very large establishment, and to recollect whether a certain horse died, and whether another was or was not bought to fill its place; it is very embarrassing to him, and it has been felt so vexatious that it has been very popular among gentlemen to compound for their animals, not with any idea of saving money, but simply to save the plague and bother of all this. I have, therefore, no hesitation in saying that it would be a great practical improvement if we could alter this mode of collecting these taxes, and could collect them once instead of twice a year by officers of Excise, who thoroughly understand their business, instead of by parochial officers. The taxes would then be collected from dishonest and oblivious persons who now evade them, and the Revenue would be correspondingly improved, and at nobody's expense, save of those who ought to be made to pay. I know few practical improvements that more deserve the attention of the public than the one I am suggesting, and I earnestly recommend the subject to the consideration of the Committee.

I now pass to another head of taxation—the Income Tax—still under the view of its collection. The income tax is, the Committee will recollect, not so much one tax as an aggregation of different taxes under one head. It is collected in two different ways. Under Schedules C and E the fundholders and the recipients of Government salaries have their income tax deducted from what they have to receive. That is a most economical and efficient system of collecting the Revenue, and no one can wish to interfere with it. But the case is different under Schedules A, B, and D. In this country of anomalies the collection of the income tax is the greatest. The first and second quarters of the tax are collected together in October, the third is collected in January, and the fourth in the April following; and thus the payment is spread over two financial years. The result of this system appears by the fact that the right hon. Gentleman opposite (Mr. Hunt) was obliged to borrow money on bonds because he could not get the amount due upon this tax when he required it for the public service. The mischief of collecting the tax in the way I have mentioned depends mainly upon the amount of the sums in which it is collected. I will give the Committee a few curious details illustrative of this matter. Thus, for all houses under a £10 rental the landlord pays the tax, which, at 4*d.* in the pound—an amount which seems to be regarded by some persons as the normal state of the tax, though if any one prefers to take it at 6*d.* he can easily rectify my figures—the tax on a £10 house amounts to 3*s.* 4*d.*, and therefore the landlord has to pay to the Government officer who collects it 20*d.* in October, 10*d.* in January, and 10*d.* in April. I cannot imagine a more melancholy waste of public time and money than such a system as this. Going a little further, we find that the income tax on houses of a rental of from £10 to £30 is paid by the tenant, and is deducted by him from the rent he pays his landlord. These houses form the large majority of those that come under Schedule A. The whole tax upon the lowest of these rents amounts to 40*d.*, while that on the highest amounts to 10*s.*, and these sums have also to be paid in the way I have stated. Taking the higher class of from £10 to £30, they pay, perhaps, 5*s.* in October, 2*s.* 6*d.* in January, and 2*s.* 6*d.* in April. Therefore just look at the waste of time, public money, and trouble involved in this. Then take persons with a £200 house. If the income tax be 4*d.*, they pay £3 6*s.* 8*d*—that is to say, 16*s.* 8*d.* a quarter, so that they are waited upon three times for that. Then we go to Schedule D. Those persons who take advantage of the exemptions of Schedule D pay income tax on £40, when their income is £100; that is to say, those persons pay 13*s.* 4d. income tax. 3*s.* 4*d.* a quarter is demanded from them—and these persons form two-thirds of Schedule D. Imagine, therefore, the scale on which this absurdity is carried out! But take one more instance; take the case of the counties of Nottingham and Bedford. In Bedfordshire there are 30,000, and in Nottinghamshire there are 52,000 persons paying income tax on houses. The average sum on which those persons pay income tax is £28—that is the average; so that, of course, there is a vast number of cases in which the amount is much below that sum. A very large number of those persons pay 11*s.* a year, or 2*s.* 9*d.* a quarter, and very many of them a great deal less. There, again, I think a case is made out to show that the present manner of collecting the income tax is eminently unsatisfactory, and in that case also we might take the example of Scotland, where the income tax is collected only once a year. I never heard that there was the slightest complaint of that. Indeed, I am persuaded that this mode of collecting it must be popular; because, to the poor, it must be an immense vexation to be dunned for shillings and sixpences, while rich people would rather, I presume, pay the tax at once and be done with it. Practically, the Scotch system is adopted also in the great towns of England. In London, Manchester, Liverpool, and Birmingham, I believe, the tax is never collected but at the end of one year or the beginning of the next, in consequence of the difficulty of making up the assessment. I think I may add, that, if these taxes were collected once a year—collected at one time—an enormous saving would be effected—a saving of not less than £100,000. There would be saved in poundage £30,000, that being the additional poundage given when the collection of the income tax in January was commenced.

The persons who collected it required that additional poundage, and it was only fair that the request should be granted. Then there would be only one circuit of the 240 surveyors, who go round to collect the tax from the parochial authorities, instead of three, which would give a saving of £3,000. On assessed taxes there would be a saving in poundage to clerks of £23,000; in the travelling expenses of clerks a saving of £5,000; in salaries a saving of £25,000; in the meetings and surveys a saving of £8,000; in paper and printing a saving of £6,000—making a total saving of £100,000. I have to thank the House very much for their patience; but they will see when I get a little further that it was necessary I should state these things, although in advance I was unable to show them how it was necessary.

I now come to what the Government propose in this state of things. They think it most desirable to reform this method of collecting taxes, and they propose to reform it in this manner—They propose to convert the assessed taxes, as distinguished from the land and inhabited house tax, into Excise licenses, just as the dogs were converted—the dogs having been the pioneers in this reform. They propose that these licenses should be granted at the beginning of the year prospectively, not retrospectively—not after the year is over, with all the disadvantages I have already pointed out, but prospectively anticipating the expenditure of the year—and that the persons who are to pay should be required to send to the Excise a return of the number of taxable articles they have in their houses on the appointed day—say the 1st of January—so that they would not be embarrassed with any question as to what they had in the previous year. They would merely have to make a catalogue of dutiable articles, on which they would have to pay accordingly. On that the license would be issued, and the tax would be collected. The estimate is that this arrangement would apply to a sum of £1,160,000, but there would be a saving of great expense and trouble, and I think it would be very desirable to place the matter on that footing. I believe, also, that in order to make the system work well, it is necessary that the taxes should be simplified. They are now exceedingly complicated. For instance, there is one duty paid for a pony that draws a carriage, and another for a pony that does not. There are all sorts of exemptions and qualifications. We propose to make some sacrifice of what would perhaps be exact justice in order to simplify the thing, so that the person who will have to make the declaration on which the license is to be granted should be able without much trouble to make a catalogue of the articles on which the tax is to be paid. We believe that a simplification of that kind is essential to the success of the change. The difficulty in these things is not as to the ultimate result, which is quite clear, but it is in the transition, so that we may do no injustice or cause no hardship during the transition. Remember, these taxes are incurred in one financial year, assessed in the beginning of the following year, and paid in the October of that year and the April of the next. We propose, therefore, that taxes already incurred—the taxes for 1868-9—shall be paid on the old plan. As so assessed the first moiety will be payable on and after the 10th of October, 1869, and the second on and after the 10th of April, 1870; but after that time there will be no more collection in that way. We propose on the first of January next year to issue licenses; and the House will observe that those taxes are now imposed for a year already expired. We purpose that from April in this year until January next year there shall be no fresh tax of that sort; so that throughout that period there will be a sort of halcyon day during which the tax will not be levied. But we propose that on the 1st of January next year the system of Excise licenses shall come into operation. The taxes now paid at the end of the year we propose shall be paid at the beginning. In fact, all Excise licenses are so paid, and it is necessary for the working of the system; but in order that this may not come hard on the persons who have to pay, we interpose an interval of nine months during which no tax will be levied. Now, with regard to the land tax and the inhabited house tax they stand in a different position. They are levied in a sensible manner, so far as time is concerned, being levied in the current year, because for this year they will be levied in October, 1869, and April

1870. So far no fault is to be found with them. But look at the anomaly of the system. You have these two sets of taxes in the same division of the assessed taxes, the one of which you collect in one year and the other in another year. The only evil in the collection of the land and inhabited house taxes is that they are collected twice in the year instead of once. They are annual taxes, and we do not see why people should be put to the trouble of paying them in two payments. We propose that they should be collectable—or, perhaps, I should say, "collegible," although I do not know that this is a received word in the Revenue Department—at the beginning of the next year and once for all. We now come to the income tax; and with regard to it we propose the same arrangement. We propose that it should be collected once a year, and that at the beginning of the year, when people make up their accounts and know what their income is. Those who are most experienced in the matter think that is the most convenient time; and we propose that the income tax shall be collected for the whole year at once. But we are aware that neither the income tax nor the land and inhabited house duty can be collected entirely during the first three months of the year. There always will be arrears in these cases, and Gentlemen need not therefore fear that everything will be demanded at once. We do not want to be precipitate. The danger is that the payment may still extend over a large portion of time. That is the nature of the proposal we make. I will recapitulate its details. We propose that the assessed taxes for 1868-9 already incurred shall continue to be levied on the tenth of October and the tenth of April; we propose that the land and inhabited house duty should be levied, not on the tenth of October, as it has hitherto been, but that grace should be given till the beginning of the year, and that then it should be levied on the first of January for the whole year; we propose that the income tax should be levied for the whole year, as it is in Scotland. I think that is for the interest of small tax-payers, and that it will be found for the interest of the wealthier classes also. At any rate, it seems to me to be out of all reason that the annual debt of the tax-payer should not be paid within the year, or that the Government should not for its own purposes, but for those of its debtors, break up the debt into small instalments at great trouble and expense, which must ultimately fall upon the tax-payer himself by the additional expense of collection. There is one other consideration to which I have not yet alluded, and that is that, owing to the nature of the machinery brought into use during the last few years—our iron-clads, our guns of precision, our railways, and our electric telegraphs—the character of our modern warfare has entirely altered, and wars, for the future, instead of being long torments, will be short agonies. Not only will they not last for twenty-two years, as was the case in the war which we waged with the Emperor Napoleon, but the Seven Weeks' War in Germany the other day may be reduced even further, and resolve itself into a campaign on an equally grand scale of seven days. There is no doubt that the vast improvement of late years in scientific appliances as devoted to purpose of destruction, and the increased facilities afforded by the perfection of the telegraphic system push us to the conclusion that the arbitrament of war will in future be sharp and decisive. And it is evident that with this state of things it will be impossible for financiers to provide the necessary means for carrying on these wars with the antiquated means of taxation. I know no greater weapon of strength than the power of levying the taxes at one sweep without the needless delay and circumlocution attending the present system of collection. This appears to me to be a consideration of the highest importance, and I therefore recommend it to the attention of the House. We believe this to be a great administrative reform; we believe that it will not only be a great improvement in itself as to the mode of collecting the Revenue, but that it also contains within it the germ of many other improvements. And the Committee will, I hope, observe that the alteration will do very little hardship to anyone. We have striven to avoid all hardships to the tax-payers as much as it was in our power to do. With the assessed taxes we go nine months without levying of taxation. If we are to pass from one system of taxation to another, to pass from quarterly payments to annual payments, I know no way in which we can facilitate the transition better than by giving a certain rest between the two. As regards the income tax, the change on the whole will be rather for the benefit of the taxpayer. At present the first and second instalments are collected in October, the third in January, and the last in April. We forego the collection of the first and second quarter in October, and therefore the tax-payer has the interest of half the money lying by him for three months longer. On the other hand, the April payment will be accelerated. The January instalment is not affected by the alteration, so that the effect of the change, as far as the taxpayer is concerned, is that he obtains forbearance on two quarters and acceleration on one. So what a person loses by having to pay his April instalment three months earlier he more than gains in having to pay his two October quarters in January. The January payment does not count, as he is only called upon to pay it as usual. With respect to the land and house taxes the same thing occurs—forbearance in October and acceleration in April. The Committee will, therefore, I think, see that in making these financial changes we have endeavoured, as far as is in our power, to make the transition as easy as possible. No doubt, when prompt payment is required instead of the two and a half years' credit hitherto allowed there must be a sacrifice on the part of some one. But if the House should be convinced, as I am, that the change, while very much enriching the Revenue, will lead to the taxes of the country being collected with greater facility and at less expense—if they should be convinced, moreover, that it will furnish the State with a valuable financial engine in case of war, and that its advantages will be shared alike by the Revenue and the general tax-payer they will not, I think, hesitate to adopt it. Supposing the Committee should believe the alteration a beneficial one, there will follow certain financial alterations to which I will now refer, and it is on this account that I have troubled the Committee at such length on the subject. I trust the Committee will understand me. The Government are very much in want of money; but we are not so poor as to be compelled to resort to a new plan of raising taxation, unless we could devise a scheme which while doing what we desire would confer benefit on the country at large.

The Chancellor of the Exchequer

It would be far better to impose taxes, however galling they might be, than to do anything unfair or unjustifiable in itself, although we might thereby gain a little popularity. If it can be shown that the change is not justifiable on its own ground, I do not desire to carry it any further; but undoubtedly its collateral results as regards the question of finance will be very beneficial to the Exchequer. The House will observe as regards the assessed taxes that we propose to commence levying them in the beginning of the year. These Excise licenses will be reduced in amount by deductions which I will mention presently from £1,167,000 to about £1,000,000. We reckon that we shall collect in the first quarter about £600,000. Therefore, as regards this year, the matter will stand thus—we shall collect the taxes which are due for the year 1868-9 as heretofore, in October, and shall collect in addition £600,000 of the license duty which is to supply the place of those taxes. There would consequently be a gain for this year of £600,000; and £400,000 would fall due next year. Then, take the land and inhabited house taxes. Instead of collecting half in October and half in April, we shall collect the whole in January. They amount to a little more than £2,000,000. We reckon that we shall collect £950,000 in the month of January, and to that extent we shall be gainers. Then we come to the income tax. We shall collect as much as we can in the whole year, and though we shall not be able to collect all, we reckon we shall be able to collect so much as to increase the receipt of income tax by £1,800,000. Putting these together, we should receive £3,350,000 as the result of the alteration — a result which, I need not say, would be very agreeable at the present time; though, I repeat, I do not desire that the change should be adopted if the Committee should think it unfair or unjust. On the other hand, unless you have made up your mind to go on with the present system, you cannot adopt the change at a better time than now when the matter has been fairly brought before you. Then I ought to state, with regard to next year, there would be to the good the last half-year of the assessed taxes of 1869, and from this source £600,000 would be payable in April. This is, of course, a thing that comes but once; it is not to be relied upon under similar circumstances. I cannot express how strongly I feel that the change, even if it did not bring a single shilling into the Exchequer, would be extremely beneficial, while I may repeat that at no time could it be introduced with less burden to the public than at the present moment, and at no time will the collateral and pecuniary advantage arising from the change be more acceptable.

Supposing the Committee to agree to this alteration, the next step is to consider in what manner we should employ this windfall which thus appears to offer itself. But I may first remark that I beg the House not to imagine that we necessarily impose any large sacrifice because the operation is large. The sacrifice as far as I can make out—and I have studied it well in every possible way—is of a very insignificant character, though this amount of money can hardly be collected without its pressing a little on some one. Now, supposing the House gives a favourable reception to the proposal I have made, comes the question in what manner should we employ the funds thus placed at our disposal. You would have, as I have stated, from the income tax £1,800,000; £600,000 from the Excise licenses which are to replace the assessed taxes; and £950,000 from the land and inhabited house taxes. This would give a surplus from these additional receipts of £3,350,000; and to this we may add £4,632,000, the surplus on the ordinary Budget. Deduct from the total of £7,982,000 the total Abyssinian claims, which amount to £4,600,000, and we shall have a total surplus to deal with of £3,382,000. Nothing would be more agreeable to me than to propose a large remission of taxation; but it would be thoroughly unfair of us to do anything unjust to the tax-payer, and it is a subject on which we are ready to meet the most careful inquiry. But if we are to make this change, I do not know how to make such a change—unless we determine to throw our money in the dirt—except by taking some such risk. Unless we make some classes favoured above their fellow-citizens, and exempt them from the payment of taxes, I do not know how to avoid appropriating this money in the way I have proposed. Let us, then, consider in what manner we may employ it. The first suggestion which we have to make on the subject is, that as the additional 2*d.* of income tax was imposed as the means of carrying on the Abyssinian War, the payers of that tax should be the first to feel the relief consequent upon that war being terminated; which relief, under ordinary circumstances, would not be felt in the next year, but which it is in the power of the Committee, as I have shown, if it chooses to use that power, to accelerate by a year. We should, therefore, certainly think it to be our first duty to apply this windfall to the reduction of 1*d.* of the income tax. The next item of taxation that we should wish to take off is one that has a very curious history, seeing it was put on at first on the ground that it was no tax at all, and yet it yields a revenue of £900,000. The Committee will doubtless perceive that I must be alluding to corn. Sir Robert Peel seems curiously to have thought that a tax of 1*s.* per quarter on corn, or of 3*d.* per cwt., as it is now paid by weight instead of by measure, was really no tax at all. For so great a financier the language that he holds upon this matter is very remarkable. In his speech in 1846 he says—

> "I propose therefore that one article of grain, which I believe may be applied to the fattening of cattle, shall henceforth be imported duty-free; I mean maize. I propose that the duty on maize shall be merely nominal."—[3 *Hansard*, lxxxiii. 256.]

That is to say, he imposed a duty of 1*s.* per quarter upon it. Now, that nominal duty on maize amounts to 3 per cent at least on the value of the article, and of course it presses in that degree upon the farmer. That this duty is something more than a mere registration duty is evident, I think, from two considerations. The first consideration is that it is perfectly easy to register the arrival of corn without it; in fact, it is no more difficult to register the arrival of corn without levying a duty of 1*s.* per quarter upon it than it is to roast a pig without burning down a house. Again, it cannot be called a mere registration duty, for you have an enormous number of collateral duties on articles like tapioca, arrowroot, sago, flour, meal, and so on, all kept upon your tariff for the purpose of acting as outworks and bulwarks to protect this particular duty. You may put a duty on these articles for the protection of the Revenue; but why should you do it for mere purposes of registration, which can easily be effected without it? It was clearly the intention of its founder that it should operate only as a register; but it really is, and it has now come to be regarded as, a source of Revenue. And what sort of a source of Revenue is it? It is impossible to imagine any tax which combines more of the qualities that make a tax odious—that is, it is a duty on an article that is produced in England with no countervailing Excise duty upon it; it is therefore effectual as a protective duty—that is to say, it not merely raises the price of the portion of the article that pays it, but also raises the price of the portion of the article that does not pay it. It, therefore, inflicts on the subject a burden much more considerable than the benefit it confers on the Revenue. If we want to get at the real evils of the tax, let us imagine ourselves applying to it the same rules as we apply to all other protective taxes, and put a countervailing Excise duty on the home-grown article. Just fancy the exciseman let loose upon the barns and the stores of the farmer and the corn-dealers, collecting a tax of 3*d.* per cwt. on their corn all over the country. What a sensation it would create! The case is not altered by the fact that the Government raises the tax all over the country; and as the price of wheat is raised by the tax, the Government should apply a remedy instead of taxing the consumer, according to the exploded system, for the benefit of the producer. But the case of this tax is still worse than that. The consumption of wheat in this country is about 22,000,000 quarters annually; the imports are about 8,000,000 quarters, and the home growth about 14,000,000 quarters. I do not mean to say that the price of the whole 14,000,000 quarters grown at home can be sensibly raised by this tax, but I feel no doubt that the price of a considerable portion of it is, and no one can exactly say how much. Then consider how hard it is. Why, it is a kind of poll-tax, of which we hear so much in olden times; but it is graduated in a peculiar fashion, because it falls heaviest on the poorest of your people. It has been computed by persons who have inquired into the subject that if a man and his family ate nothing but bread—which is the case of the very poor—this duty would be equal to something like an income tax of 1½ per cent upon the whole means of the family. But if the man rises in his scale of diet, and eats meat, eggs, butter, and the like, he then lives on articles that are duty free; and therefore this tax presses with its greatest severity on the poor—that severity increasing in the ratio of their very poverty. Again, it is a tax on a raw material in its very rawest state; and this 1*s.* a quarter—or whatever it is—has to bear the profit of the millers, the retailers, and all the different persons through whose hands the corn passes before it reaches the poor man in the form of a loaf. In fact, in every way it violates all the principles of political economy; and the only thing that can be said for it is that it is a very little tax, though it yields a considerable sum of money to the Exchequer. If, however, the argument that the tax being small it can therefore do no harm is to prevail, then I say we have found the philosopher's stone of finance, because, whatever may be the difficulty of putting on a good tax, nothing will be so easy as putting on a little tax or a number of little taxes. Thus, if amount is to be looked at, and not principle, you may have a system of taxation which violates every rule to which every tax should be subject. The object is to find a good tax. The proportion of this tax is not large, but the sum raised is large. Although in the case of a small duty of this kind we cannot trace its exact incidence or measure the exact amount of the mischief it does, surely there is such a thing as faith in politics as well as in religion; and if we cannot at this time of day trust enough to the doctrines of political economy and Free Trade to believe that when you raise nearly £1,000,000 sterling from the very poorest of your people you do an immense amount of mischief, what is the use of abstract science or speculation at all? If we can take nothing on the strength of abstract reasoning, and everything must rest upon statistics, which it is impossible to obtain in such cases, then we may as well burn our books on political economy, and economic science is altogether useless. But if political economy be true, these mischievous effects are certainly produced, even though we may not be able to trace them. But I hope we may yet do some good in this matter. Then there is another point that also appears to me to be of the greatest importance, and that is the amount of trade that might exist in this article if it were not for the duty. I have called for Returns on this subject, and with the permission of the Committee I will read them, to show how little of an exporting country England is. I hold in my hand a Return of the exportation of foreign and colonial corn and grain; and of course the thing derives more weight when we consider that England, with her enormous trade, is fitted by her splendid geographical position between America on the one hand and the corn-growing countries of the Baltic, Russia and Poland, on the other, to become more and more the commercial entrepôt of the world for these and other commodities. Well, this is the Return for the years 1864, 1865, 1866, 1867, and 1868. The corn exported from the warehouse, or after payment of the duty, was in 1864, 21,455 quarters; in 1865 it was 10,851 quarters; in 1866, 17,648 quarters; in 1867, 65,453 quarters; and in 1868, 83,086 quarters. And that is all that England exports of an article for the trade in which her geographical position, as I have said, fits her to be the entrepôt of Europe. There were also, in the year 1864, under transhipment, 54,164 quarters of foreign and colonial corn and grain; in 1865, 9,239 quarters; in 1866, 49,071 quarters; in 1867, 169,467 quarters; and in 1868, 154,902 quarters. Observe how much larger the quantities under transhipment are than the quantities exported from the warehouse—plainly showing the evil effect of the duty in preventing the establishment of a great corn depôt in this country. I have here another table, which I wish to read, giving the average importation of corn in the seven years from 1861 to 1867. In those years there were imported 28,000,000 cwt. of wheat, of the value of £16,000,000 sterling; on an average of those years, at the price of 11*s.* 5*d.* per cwt., and, taking the duty at 3*d.* per cwt., the tax on that wheat must be estimated at about 2 per cent of its value. Of flour 3,800,000 cwt. were imported, which sold at the rate of 14*s.* 11*d.* per cwt., making at 4½*d.* per cwt. a tax of about the same amount. Of barley, 6,500,000 quarters were imported, which sold at 7*s.* 8*d.* per quarter, making a tax of 3 per cent; of oats 6,800,000 quarters, which sold at 7*s.* 8*d.* per quarter, making also a tax of 3 per cent. Thus it appears that during the whole of this time very considerable sums have been levied by means of a tax which was in itself small in amount. I do not wish, however, to labour this subject further, and nothing but its importance to the poorest and most helpless class of the community could justify me in saying so much as I have done. In doing what we propose I am satisfied we shall be doing that which will greatly tend to their benefit, and be laying the foundation of a great entrepôt trade which will not only be of enormous advantage to the mercantile classes, but which will have the equally desirable result of creating that abundance to which the existence of an entrepôt so largely contributes by circulating traffic and sensibly lowering prices. Another remission which we propose is one with respect to which I shall not enter into any lengthened argument, because it has often been discussed in this House, and because the House has pronounced an opinion on it. As the Committee possibly anticipates, I allude to the duty on fire insurance. The fire insurance duty has been the subject of much metaphysical discussion, but it has never, I think, been better defined than by my right hon. Friend at the head of the Government when he described it as being an income tax with two great exceptions—the one in favour of a person who was rich enough to be his own insurer, and the other in favour of the man who might be rich enough, but yet was too improvident to insure at all. I will not, as I said before, enter into the subject at any length, since it has already been exhausted, and I can add nothing new to its discussion. I agree with those who maintain that it is in vain to expect a revival in a tax like this, if merely diminished, such as you expect from a remission of taxation on articles of consumption. It is a tax upon prudence, and the same improvidence which deters a man from insuring now would be likely to operate still if the tax were lowered. It is, besides, a tax which appears to me to have many faults. It is an optional tax, and any person who wishes to escape it may do so by taking what may be looked upon as a very foolish and improvident course. It is, in fact, a sort of penalty imposed upon the exercise of providence, and I mention this because I cannot agree with the hon. Member for Dudley (Mr. H. B. Sheridan), whose attention I would invite, as the subject is so intimately connected with the discussion on his Motion next week. He seems to be of opinion that there is great recuperative power in this tax; but he must not forget that, if we go below a certain point, new arrangements must be made for its collection, while the expenses of that collection would not be diminished. Entertaining these views, and seeing the strong feeling that has existed on the subject, the Government have deemed it to be the best course to pursue to repeal the tax altogether. ["Hear!"] I am afraid I must moderate the satisfaction of those hon. Gentlemen who cheer by stating that when the duty was lowered from 3*s.* to 1*s.* 6*d.* the reduction did not come into effect until Midsummer, and as we have entered upon this quarter, and as an Act of Parliament will be required to do away with the tax altogether, we propose that its abolition should date from Midsummer next.

I have now stated three remissions which we propose to make—that of 1*d.* in the pound in the income tax, the corn duty, and the duty on fire insurance; and I proceed in the next place to deal with another part of my subject which does not involve the mention of such large figures, although it is nevertheless exceedingly important, and if I mistake not will be found by hon. Gentlemen to be exceedingly interesting. I only hope it may in some degree tend to relieve the very dry nature of the statement which it has been my duty to lay before the Committee. I said, as the Committee will remember, that it was necessary, in order to work the system of Excise licenses which we propose to substitute for the present assessed taxes, that we should have recourse to a system of simplification and do away with a great deal of the complexity which attends the payment of these taxes, at the risk of relieving the rich from something which they ought to pay, and charging, I am sorry to say, a little more to the poor. We have deemed it expedient, in fact, to make the duty uniform in order to insure the permanence of the taxes, and to prevent them from becoming an intolerable nuisance to those who will have to send in declarations. Having said thus much, I will go through those lesser taxes in which we propose that remissions should be made. The duty on hair powder is the first which presents itself. It yields a revenue of £925,000 a year. [*A laugh.*] I mean £925 a year. I beg the pardon of the Committee, but it is one of the many difficulties of the subject that the figures with which I have to deal are in some instances so exceedingly large, and in others, comparatively speaking, so small, that it is not always so easy for one so inexperienced in financial statements as myself to bear in mind their relative proportions. I believe, however, I am correct in saying that we realize £925 a year from the duty on hair powder; and the best thing I think which we can do with that tax is to abolish it altogether. I now come to the tax on armorial bearings, which is a tax which is very singular as well as unsatisfactory. It is of this nature. If a person possesses a carriage, on which he would have to pay at the present rate of duty £3 10*s.* a year, he has to pay for armorial bearings £2 12*s.* 9*d.*; but if he does not possess a carriage he has to pay only 13*s.* 2*d.* It is not necessary that he should put the armorial bearings on his carriage. A physician, for instance, who has no carriage may have a seal, for which he would have to pay a duty of only 13*s.* 2*d.*, but if he has a carriage and drives about to visit his patients he will have to pay a tax of £2 12*s.* 9*d.*, instead of 13*s.* 2*d.* for armorial bearings, even though he does not put them on his carriage. That is not a very satisfactory state of things, and I should be glad if I could get rid of the duty altogether, inasmuch as I do not think it is based on any sound or good principle. But as I cannot get rid of it the best thing it appears to me which I can do is to increase it a little. I propose to alter the present rates of duty, and to charge the £1 1*s.* for armorial bearings and that is for all armorial bearings other than those on carriages, and if a gentleman likes to put his armorial bearings on his carriage, then I propose that he should pay another £1 1*s.*; so that there will be, in fact, two taxes of £1 1*s.* each, which will bring to the Revenue, it is computed, an additional sum of £8,000 from this source. I come, in the next place, to carriages on four wheels. At present, if drawn by two horses, they pay as high as £3 10*s.* in the shape of duty; but if only by one horse, and the wheels are small enough to make it a case of extreme cruelty to animals, they pay only £1. Now, with a view to secure that uniformity to which I have already referred, we propose to reduce the tax on four wheeled carriages from £3 10*s.* to £2 2*s.* But there is a class of four wheeled carriages, such as those drawn by a pony under thirteen hands—almost too weak to draw at all—and the wheels of which are not more than thirty inches in diameter, which seems to me to demand some consideration at our hands, because they are carriages which are very much used by ladies and invalids and persons advanced in age, and very frequently by persons whose circumstances are comparatively straitened. Now, I should be unwilling to impose upon that class of carriage a heavier rate of duty than is put on a barouche or a landau; and what we propose is that they shall be taxed at the rate of two wheeled carriages—that is to say at 15*s.* and that there shall be no longer a distinction drawn from the wretched pony and wheels, but only from the weight of the carriage, which we propose to take at 3 cwt., so that it shall really be a light carriage for pleasure, and not one of a solid and permanent character. I believe it will be found that almost all pony carriages will come under that weight, and it will, no doubt lead to an improvement in their manufacture, by making the exemption rest on weight rather than on the wheels and the pony. It is proposed to retain the tax of 15*s.* on all two wheel carriages. There are something like 100,000 gentlemen who drive gigs, and I should like to put a little additional charge on them; but, after carefully considering the matter, I thought it better not to interfere with so large an army, and to leave matters as they are. Then comes the tax on horse-dealers which is also somewhat anomalous and peculiar. A horse-dealer in London has to pay a tax of £27 in the shape of license duty for the exercise of his trade, while in the country the horse-dealer pays only £13 15*s.*—the idea no doubt being, when the tax was imposed, that the business was carried on in London on a larger scale than in the country. That I believe has ceased to be the case. It is proposed therefore to reduce the higher rate of these taxes, to make them equal, to impose a tax of £12 10*s.* on each horse-dealer, and to abolish the £27 tax. Next, as regards men-servants. At present the assessed tax on a man-servant is £1 1*s.*; but there are many exceptions, for one under eighteen years of age it is 10*s.* 6*d.*, and there are exceptions in the case of under-gardeners and gamekeepers who are not charged at all. With a view of facilitating the filling up of declarations on which licenses are granted we have thought it desirable to make the tax uniform, and we also propose to take a kind of middle course between the present taxes and the exemptions; to impose a uniform tax of 15*s.* a head on male servants, and to do away with exemptions altogether. Another remission which is suggested by the Government the Committee will easily anticipate—it is the taxes on locomotion. It is unnecessary for me to go into any detailed argument with regard to those taxes; they have been given up by default for a long time; it has always been admitted that whenever they could be reduced or remitted they should be; and I hope the time has now come. I will tell the Committee the principle on which we propose to proceed, and I will then go through the individual taxes and show you how we apply that principle. We propose generally to abolish all exceptional taxes on locomotion, to abolish the distinction between carriages and horses kept for pleasure and those kept for profit, so as to make all persons pay the same duty for the same kind of carriage, whatever use they put carriage and horses to—except, of course, that we do not intend to touch horses kept for husbandry and matters of that kind. Proceeding on that principle, I take first the item of stage carriages—omnibuses and others. They pay now a £3 3*s.* license for a vehicle to carry more than eight persons, and 10*s.* 6*d.* for one carrying less than eight, and also ¼*d.* on every mile travelled. We propose to do away with these duties, and leave the stage carriage to pay duty just like any other carriage, according to the number of horses employed to draw them. Then on horses we propose to lower the duty. At present a trade horse pays 10*s.* 6*d.* and the gentleman's horse £1 1*s.* I do not speak of race-horses; they are too high game for me to fly at. We do not see how we can raise the tax upon the large number of horses. The horse is essential to locomotion—horses are the very life and soul of locomotion, and will continue to be so until they are supplanted by velocipedes. I think we cannot do more to advance our object, which is to advance the free circulation of Her Majesty's subjects, than we shall do by reducing the duty on horses from £1 1*s.* to 10*s.* 6*d.*—excepting, of course, race-horses. I now come to another subject of great interest—that of hackney-carriages; or, as I will call them for the sake of brevity, "cabs." No business in this, and hardly in any other, country has been so much oppressed as the hackney-carriage business. For some reason, which may be explained historically, and which certainly cannot be defended logically or reasonably, they have been picked out by Governments as objects of taxation. It may be said—it does not matter, because whatever you take from the producers or proprietors they will take from their customers, the consumers; but Government has met them here, and limited the amount they can demand, so as to make it impossible for the proprietors fairly to recoup themselves for the taxes levied on them. It is most monstrous in London. Every cab pays a license of £1, and 1*s.* for every day it goes out. A cab which works seven days a week pays £19 5*s.*, and a cab that works six days, £16 13*s.* a year to the Government. Of course, as cabs are so heavily taxed, and we limit the demands of the owners on the public, they have only one recourse—they take it out in badness. The vehicles are ricketty and dirty, and badly appointed; the horses are bad and miserable; and for all this the poor people are not to blame, but the Legislature that has settled on them an intolerable burden, and precluded them from recouping themselves by the means which are open to others—of throwing it upon the consumers. We propose, as a matter of justice, to repeal entirely the present duty on cabs; and the effect of that will be the four wheel cab will pay a duty of £2 2*s.* per annum, and if it employ two horses it will pay £1 1*s.* more, which will make £3 3*s.* instead of £19. The Hansom cab will pay still less, as its carriage duty is only 15*s.*; and the difference is in other respects a sacrifice to that uniformity which we have set up, not as a blind idol, but as an object it is desirable to attain. I suppose the right hon. Gentleman the Home Secretary will have something so say on the subject I am about to mention. Cabs are inspected and looked after by the police in London at a cost of £12,000 a year, which has justly been borne by the Government that made £111,000 out of them; but when we have got rid of the tax I hope my right hon. Friend will introduce a Bill by which a moderate tax of, say, £2 a cab and £3 an omnibus may be imposed to defray the expenses which they render necessary, and which it is obviously expedient to incur. However, having washed my hands of the £111,000 a year, I also wash my hands of the payment of £12,000 a year. Next I must refer to the duty on post horses. The duty on post horses is £5 on every horse a man keeps for hire; he may also for that keep a carriage; and the tax rises by an ascending scale in a complicated manner for so many horses and so many carriages. The duty was, probably, justifiable in its first imposition; it was imposed at a time when it fell almost exclusively on the rich, when every gentleman travelled in his own carriage, and post horses were the means of locomotion. The change in human affairs has brought things round to the contrary; the tax is not paid by the rich at all, it is not paid by people who drive their own carriages—people now seldom drive their own carriages, except with their own horses—the tax is paid mainly by the middle classes — by those who travel for the purposes of trade, or who employ flys and carriages for short journeys into the country; and its incidence is most injurious to the railway interest, which has made everybody's fortune except its own. This duty, and that on cabs, has deprived people of access to the smaller railway stations; so that we have presented the absurd spectacle of millions spent on a railway, and the people for miles round its stations cut off from their use by the taxes imposed by the Government. I have known a cab three times set up and three times knocked down, until at last it has been given up in despair, and the station remains inaccessible, except to those who have their own carriages or who can walk to it. We shall gain immensely by abolishing these duties; the railways will be sensibly benefited, and the public still more. I have now gone through the items except one, which is a small matter, but one to which I attach much importance. It is £73,000 realized by tea licenses. There is nothing that tends to check the sale of tea to the poorer classes more than these licenses, and prevents tea being sold near their homes, while there is always a public-house close by. Without dwelling on the subject, I believe the remission of these duties will do something to promote temperance.

Speaking of these reductions on assessed taxes, and of taxes on locomotion, the effect of all these reductions is this—the amount of the present Revenue is £1,533,900; after reductions it will amount to £1,113,000—that is to say, there is a reduction to £420,000. If I reckon the fire insurance duty, the corn duty, and the 1*d.* on the income tax, the whole amount of the Revenue dealt with is £14,053,000; after the remissions it will be £10,993,000; the net remissions come to £3,060,000, and the remissions which will fall within the present year will come to £2,940,000.

We will now return to the point which, I fear, I left some two hours ago, when I said that the payments for Abyssinia and the surplus assets for the year established pretty nearly an equilibrium, leaving a balance of £32,000 in favour of the Revenue. If it should be the pleasure of the Committee to agree to the proposals of the Government respecting the change in the manner of collecting these taxes, and thus acquire the sum of £3,350,000, the financial results will be these — I add to this sum of £3,350,000 the surplus of £32,000 of estimated Revenue over Expenditure. Then I must deduct from that amount the sum of £2,940,000, which is the amount of the remission that will take effect during the present year, and when I have made that reduction the result will be a surplus of £442,000. The one drawback in this scheme—I mention it because I wish to be perfectly frank with the Committee, and to conceal nothing —is, undoubtedly, that we should have more money than is desirable in one quarter, and less than we desire in other quarters. That, no doubt, is a very considerable mischief; but it seems childish to say that we are to go to extra expense and trouble in collecting the Revenue merely to preserve a balance of equality between the different quarters of the year. When the Revenue is due it ought to be collected. If it is an annual payment, then it ought to be collected once for the year, and we ought not to be put to the expense of dunning people over and over again for these miserable sums. I can only repeat that it is a great administrative reform that we propose. If the House does not choose to accept that reform, we must make other provision for meeting our position. We cannot leave things exactly as they are. Meanwhile, there is our plan, and the Committee is free to accept or to leave it. If the Committee thinks that the present state of things should be maintained, we must accept that opinion and act upon it; but supposing—as I hope without presumption for the sake of argument we may—that the House accepts our proposals, just look what we shall accomplish. We shall have paid off in one year £4,600,000 of unforeseen obligations, which none of us had the least idea of six months ago. We shall have established, at all events, the nucleus and the germ of a thoroughly sound and sensible mode of collecting taxes—one which will not only yield a much larger sum to the Revenue, but which will be infinitely easier and less troublesome to the tax-payer; and, in addition, we shall have removed one of the most crying social evils of this country—namely, the enormous obstacles that are now placed in the way of locomotion. It is not merely that in our proposals on this head we reduce taxation—we set men at liberty. At present, the taxes upon locomotion are not only exorbitant in amount, but the very essence of their mischief is that a man shall not be at liberty to use his own property in the way that he thinks proper. Say, that I am travelling, and want to go from a railway station to a town; there is no fly, but there is a man in a gig who would be glad to take me, but dares not do so for fear of the tax, so it is obliged to stand doing nothing; and there is in this way an immense waste of the national resources. Everyone must have felt that this requires reform — that the moment the great lines of railway communication were established the other means of locomotion must be brought up to that standard, and enable persons to provide the means of locomotion without undue interference from the State. I look upon our proposal in this respect as an enormous blessing, and one not to be measured by the £400,000 or so, which is the amount remitted. It will give to locomotion an amount of freedom and of ease which it is impossible, I think, to estimate too highly. Well, then, as good wine needs no bush, I shall say nothing about 1*d.* off the income tax further than this—that it seems to point to a return to that blessed state of things when the income tax was not quite so high as it now is. Nor will I dilate on the remission of the duty on fire insurance; nor—seeing that I am addressing a number of Gentlemen, every one of whom is, I am sure, anxious to remove the least semblance of hardship to the poor—can it be necessary for me to urge a single additional argument in favour of the taking off the corn duty. I hope the Committee will now see that though I have detained them at some length, it was necessary to do so, and I can only express my hope that I may have been fortunate enough, on behalf of the Government, to make propositions which the Committee will be inclined to accept. Of course, if they are not accepted, we shall have no other resource than to abandon the remissions we suggest, keep the income tax at 6*d.*, and in some other way make provision for the claims upon the Exchequer. One word more as to the floating debt. There is still a sum of £2,300,000 of floating debt in the shape of Exchequer bonds which fall due in this year, and they are the only ones now outstanding. After paying so large a sum as £4,600,000, I feel that we can hardly be expected to go farther in the way of paying debts, and that it is not fair to assume a greater burden in one year. But I have £600,000 in reserve, and I cannot help hoping that some part of the great remissions which are proposed will find their way back into the Exchequer, putting us in a position which will make it unnecessary to take further measures to strengthen our balances and enable us to meet our floating debt as it falls due. There are £5,500,000 of Exchequer bills, so that our whole floating debt is under £8,000,000—a smaller amount than it has been in the memory of any living man. I say, then, that this proposal of the Government has many and great advantages. It finds us with a deficit; it leaves us with a surplus of £400,000. It finds the Revenue embarrassed and sinking; it gives us the greatest reason to hope that by remissions of taxation we may raise that Revenue again so as to command a considerable surplus. It effects a great administrative reform in the collection of the taxes. By a sort of Parliamentary magic it raises money not anticipated by those who collect it, for the plan dawned upon them by degrees. It does all these things, and, as far as I can see, it has no other corresponding disadvantage than this—that it does make one quarter of the year rather fatter than the rest. These are the recommendations of the measure. I humbly submit it to the consideration of the Committee, and nothing now remains for me but to place in your hands, Mr. Dodson, the formal Resolutions which are necessary for carrying out the proposals of the Government.

Motion made, and Question proposed,

"That, towards raising the Supply granted to Her Majesty, the Duty of Customs now charged on Tea shall continue to be levied and charged on and after the 1st day of August 1869 until the 1st day of August 1870, on the importation thereof into Great Britain and Ireland: viz.

Tea . . . . the lb. 0*s.* 6*d.*"

Mr. HUNT: There is one point on which we must all agree, and that is that the right hon. Gentleman need not have made any claim on the indulgence of the House. He has placed the matter before us in a way which enables us fully to understand the proposals of the Government. There is a remarkable difference between the commencement of the right hon. Gentleman's speech and the close of it. He opened in a very lugubrious strain. The purport was most mournful; everywhere he saw great financial embarrassment and difficulty; at the close he threw a *couleur de rose* tint over the landscape, and allured us with large proposals for the remission of taxation. Perhaps that was only the dramatic art of the right hon. Gentleman. He tried to frighten us at first, in order that we might afterwards give the more cordial reception to the boons he had in store. Sir, the right hon. Gentleman separated very fairly the Abyssinian expenditure from the ordinary financial results of the last year; and I think the Committee will agree with me that, considering the great increase that war occasioned, we have reason for congratulation that things are not worse than they are. I have already stated that the increased charge for the Abyssinian War came upon me as a great surprise and a great blow. On a previous occasion I fully explained the circumstances under which the estimate for the Abyssinian War was made, and that I was wholly unprepared for so large an increase. I shall not, therefore, repeat this explanation; but as I am responsible for the administration of the finances during a great part of the last year, the Committee will allow me to take a short retrospect of the results of that administration. The Committee will remember that the finances of the country had been considerably disturbed and disorganized by the financial crisis which happened at the commencement of that period, and, therefore, those Estimates, prepared in the usual manner on the basis of those of previous years, are found to be in practice not so trustworthy as usual. Though the Revenue of the country was more than £500,000 below the estimated amount, yet the two ends were very nearly made to meet. It must, I think, be a very great difficulty to a Chancellor of the Exchequer when he finds that his Revenue falls off by more than £500,000 to bring things so close as they were brought last year. I should like to explain to the Committee how that was done. When the first quarter's Revenue was made up last year, after discussing matters with the heads of the Departments, I felt perfectly sure we should not realize the Budget Estimates, and I wrote in the strongest manner to the heads of Departments urging them to use every exertion to keep down the expenditure. At the end of the second quarter, when the first part of the year had expired, I thought the time had come when we might form an opinion as to what the difference from the original estimate would be. Accordingly in the month of October I went through the Revenue of the country, and arrived at very nearly the particulars which the right hon. Gentleman has stated have been the actual result. I ascertained the Revenue of the country was likely to be £500,000 less than I had estimated in April, and I thereupon called my Colleagues together and put the matter before them. A decision was in consequence arrived at that the expenditure should be reduced as much as possible. The right hon. Gentleman has stated to-night that the reduction of expenditure below the original estimate very nearly meets the deficit in the estimate of the Revenue; therefore I think the Committee will be satisfied that every step was taken by the late Government that a prudent Government could take to prevent any serious financial difficulty arising out of the deficiency in the Revenue. I think I may say that I believe, if the late Government had remained in Office, there would even have been an excess of saving over Revenue. That which took place when the Navy Estimates were being discussed would, I think, satisfy the Committee of this; because it had been agreed by the late Board of Admiralty that certain payments were to be postponed. When the change of Government took place, that decision was reversed, and the payments were made in the last financial year that otherwise would have been made this year. Of course it may be said that postponing payment is merely putting off the evil day. Nevertheless the present Government has reaped the benefit of the payment being made in the past year. The right hon. Gentleman stated that the deficit upon the year was, I think, £380,000. But I must recall to the recollection of the Committee that in April last year I estimated for a deficit. The deficit was at the time £278,000, but the actual deficit then estimated for was £202,000, and we took steps to meet the deficit by asking the House for power to issue bonds. The difference between the estimated difference of last year, £202,000, and the actual difference stated to-night, namely—£380,000, was nearly the sum we have lost by the lack of wealty testators in the usual proportion during the year, for we have lost, by death striking the poor instead of the rich, £170,000. I was aware that there was under that head a large deficiency; but we took this consolation, that winter was coming on, and that we might, therefore be compensated in the last few months of the financial year for the losses sustained in the summer months. However, the winter has been exceedingly mild, and wealthy testators appear to have been unusually long-lived. The probability is that with the good luck which has attended the Chancellor of the Exchequer since he has assumed Office he will have a great crop of rich testators dying during his financial reign. The right hon. Gentleman has stated to-night the different heads of Revenue upon which there has been a deficit, and amongst others he stated property and income tax. I wish he had given us more particulars under that head, because up to the time that I left Office, the income tax was coming in to a much greater extent than I had anticipated. I should have liked him to explain whether the falling off was really a loss of Revenue, or was merely a postponing of collection; and I shall be exceedingly glad if he will clear it up should he address the Committee again this evening. To pass on, however, from the retrospect of the past year to the right hon. Gentleman's estimate for the coming year, I wish to point out that when he estimated his receipts for the coming year he estimated the balance which we should have had at our disposal, but for our liabilities on account of the Abyssinian War, at £4,632,000. I think there was a little fallacy in the statement, because, in order to arrive at this sum, the right hon. Gentleman took the income tax at 6*d*. The income tax would never have been at 6*d*., however, but for the Abyssinian War. He ought, therefore, to have taken that tax at 4*d*. and not at 6*d*.; and, therefore, the splendid surplus the country would have had but for the egregious folly of the predecessors of the present Ministry in embarking in the Abyssinian War would not have amounted to anything like the sum he estimated, but would have fallen short of it by some £3,000,000. I suppose, however, that we must not be too critical in scanning these little financial artifices, because of the difficulties which the right hon. Gentleman is under in consequence of the debt he has had left him by his predecessors — a debt which I, for my part, heartily regret — on account of the Abyssinian War. The right hon. Gentleman took very great credit for some of his Colleagues in regard to reductions, and no doubt the system of lauding Colleagues is exceedingly pleasant — very pleasing to those who offer those panegyrics, and very delightful to those who receive them. I am not disposed to withhold my encomiums upon my right hon. Friend the First Lord of the Admiralty and my right hon. Friend the Secretary for War for keeping down the expenditure—an object I have always had in view since I entered the House. But I cannot say that I see any of those heroic qualities about their conduct which the right hon. Gentleman has attributed to them. First of all, the right hon. Gentleman the First Minister of the Crown presented a grave indictment against the late Government for their extravagance, and when he found that the Irish Church question was not so acceptable to the electors of Lancashire as he had anticipated, he found it necessary to run another horse—Economy. After all that was said of economy during the South Lancashire campaign, it was absolutely necessary that the Estimates should be considerably reduced; and they have been considerably reduced; but do not let us talk about their having been reduced by the exercise of very heroic virtues. As regards the navy, it was very candidly admitted by my right hon. Friend opposite (Mr. Childers) that £600,000 of the reduction would have been made if my right hon. Friend the late First Lord (Mr. Corry) had remained in Office; and I would ask how much of the rest could have been spared if it had not been that the predecessors of my right hon. Friend (Mr. Childers) had put the navy in an efficient state? It is all very well to make reductions one year. You may make them in one year, or in two years; but if you go on continually making reductions and diminishing the efficiency of the service, there will come a time when more money must be spent. Whether it is in public or in private life, when you find that those who have preceded you have spent the requisite amount to keep the service or the property in a state of efficiency, then it is possible to make some reduction without serious disadvantage; and I believe that is the state in which my right hon. Friend opposite found the navy as left by my right hon. Friend on this side of the House. With regard to the Army Estimates, my right hon. Friend the present Secretary for War (Mr. Cardwell) has in the most candid manner admitted that a very considerable proportion of the reductions made were due to alterations and improvements and reforms in the War Office made by my right hon. Friend the late Secretary of State for War (Sir John Pakington). Therefore, so far as those reductions go, I think credit should be awarded where it is due. No doubt very considerable reductions have been made besides those which are due to the right hon. Gentleman's predecessor. But how has he effected them? He has done so by reducing the strength of the army by 11,000 men. I pass no opinion upon whether it is right or wrong; but do not let us understand that the reduction of over £1,000,000 in the Army Estimates is to be attributable to any heroic qualities on the part of the right hon. Gentleman, because it requires no very great deal of heroism to strike 11,000 men off the rolls of the army. The right hon. Gentleman has carried out the policy, which was commenced some years ago, of leaving the colonies to do more in their own defence than they have been accustomed to do, and the consequence is that he has been able to reduce the strength of the army. I am not finding fault with it, but I certainly see nothing heroic in it. I shall now pass on briefly to consider the propositions which have been made by the right hon. Gentleman. He says that this artificial surplus, as I call it, of £4,600,000, about as nearly as possible meets the liabilities of the Abyssinian campaign, and then he goes on to make certain proposals to which I shall refer. With regard to his proposed changes in the assessed taxes and licensing duties, I may mention that I am not likely to be a very strong opponent of that proposition, seeing that I myself was the pioneer in this very field by effecting a change in the taxation upon dogs. That measure has proved perfectly successful, and when I introduced my Financial Statement last year I called attention to that fact. I then suggested that it would be desirable to adopt the same course with respect to other assessed taxes. Doubtless I was of some service to the right hon. Gentleman in this respect, for he perhaps found in the pigeon-holes of Downing Street a Bill to carry out the very changes he has proposed in the collection of these duties. In fact I may justly be considered the parent of the scheme. But as regards the particular mode which the right hon. Gentleman has adopted of dealing with these assessed taxes, I must reserve my criticism, as it is quite possible when I have time fully to consider the scheme that I may not agree with him upon details. The result of making the contemplated changes from assessed taxes to licensing duties will bring into the Revenue a large sum of money at an earlier period than it would be brought in by the taxes under the present system. The changes will, in point of fact, have the effect of shortening credit. According to the present arrangement the assessed taxes form a system of credit, whilst the licensing system is a ready money system. The consequence will be that at the immediate point of transition from the one system to the other, by collecting that which is due for the previous year, and taking also that which is due for the coming year, a very large amount of money will be drawn into the Revenue. The right hon. Gentleman will, however, by his plan sacrifice one half year's assessed taxes at the period of transition. I understood him to say that he collects all the assessed taxes due in April, but remits them in October. If that be so the effect, as I have said, will be to remit a half-year's assessed taxes. Should the right hon. Gentleman make this proposal in the shape of a Bill, I would suggest that an exception should be made in the case of those who do not take out licensed duties. Such a scheme was in my own contemplation. The right hon. Gentleman finds it so excessively convenient to get this large amount of money put into the Exchequer by making this change in the collection, that it has occurred to him whether he could not obtain remission for the income tax and land tax duty all at once for the whole year. That is a proposition which certainly did not occur to me to make, and I do not feel sure that such a change can be effected without being much more burdensome to the tax-payer than the proposed change in the assessed taxes. I should not like at present to express any definite opinion upon the matter, seeing that we have not heard of it till it was expounded to-night; but the Committee, I think, ought not to sanction the measure without giving it the most careful consideration. I can easily conceive that in the case of poor persons, who possess no realized capital, and whose income entirely depends upon the earnings of the year, excessive hardship might be imposed upon them by having at the commencement of the year to pay the whole of their taxes for the year. This is a matter which ought to be dealt with cautiously and only after the most careful consideration. Supposing the Committee were to assent to the propositions and make the changes, I think it must be obvious that this great windfall, as it is called, can only be expected at the period of transition. Therefore I say it will require great caution and deliberation on the part of the Committee to treat the sum which will be so realized as part of the ordinary annual Revenue; because, in consequence of getting such a windfall, taxes are to be remitted to a large amount, and it might be found in future years that there is no such windfall to be calculated upon. The right hon. Gentleman, having started with a most lugubrious prophecy as to what we had to expect, waves his fairy wand over his financial propositions, and deals out remission of taxation right and left upon the strength of this accidental windfall. Supposing the Committee should accede to the propositions with regard to the changes in the collection of the assessed taxes, and they should become law, the very serious consideration would have to be dealt with whether future Chancellors of the Exchequer would not be left to meet deficiencies which might arise from the remission of taxation based upon the windfall. These propositions come upon us now for the first time, and they require great consideration. It does certainly, judging necessarily of the thing somewhat hastily, appear to me that the right hon. Gentleman, in doing what he proposes in this respect, is being generous at the expense of posterity. The Committee, I think, will agree with me in the desirability of looking to the future as well as the present, and the necessity of taking care not to create deficits in coming years by taking advantage of what are called windfalls in the present. Then with respect to the balances. The right hon. Gentleman has paid out of the balances £1,000,000 to the Government of India for the Abyssinian War. I would remark here that he would not have been able to reduce these balances so well had I not, when in Office, issued £1,000,000 of Exchequer Bonds by means of which the balances were very much strengthened. Last year I stated that the balances at the commencement of the financial year were reduced to £4,700,000. I also stated that I did not think the balances left sufficient behind, and to that opinion the present head of Her Majesty's Government gave his marked assent. Well, what do we find with regard to the state of the balances as left by the right hon. Gentleman? After taking the £1,000,000 out of the balances to give to the Indian Government the Chancellor of the Exchequer says that these balances were reduced at the commencement of this year to £3,775,000, about £1,000,000 less than they were last year. Now, the present Prime Minister agreed with me last year that the balances were too low, and yet he sanctions their reduction this year. As I understand the right hon. Gentleman the Chancellor of the Exchequer's proposal, he only proposes out of the surplus he is to get to strengthen the balances by the addition of £422,000. If I am wrong in this statement, I hope the right hon. Gentleman will correct me. If that be so, it will only bring up the balances to something over £4,000,000, which, in the opinion of the right hon. Gentleman (Mr. Gladstone) last year, was too low. There are, of course, occasions, such as the war in Abyssinia, when unexpected demands are made on the Exchequer when the balances might fairly be drawn upon; but the question is, whether we should make any large reduction of taxation, leaving it to future Chancellors of the Exchequer to propose plans for recouping these balances. That is a matter which must be again adverted to before we assent to the propositions of the right hon. Gentleman. I hope that the right hon. Gentleman before asking the Committee to assent to any proposition for the imposition of the income tax at any fixed rate, will introduce his Bill which is to deal with the changes in the collection of the taxes, because, supposing the Committee should refuse to assent to the principle of these Bills, it will be necessary for him to re-consider his propositions for the remission of taxation. I will not detain the Committee further upon this occasion, but thank the right hon. Gentleman for the fair manner in which he referred to the financial proceedings of his predecessors in Office, and for the retrospect of finance which he gave.

THE CHANCELLOR OF THE EXCHEQUER said, he wished to supply two omissions in his statement. One was with reference to colly dogs in Scotland. It was proposed to place the tax on the tenant instead of the shepherd. There was another point. There was at present a duty of £1 upon foreign beer, while the duty on beer manufactured in this country was only 6*s.* 9*d.* It was proposed to reduce and equalize the duty, so that the Customs' duty would just counterbalance the Excise duty. This would admit the Vienna beer at the same duty as was paid by the beer of this country.

MR. GOLDNEY considered that the right hon. Gentleman (the Chancellor of the Exchequer) made a very fair and equitable distribution of his surplus amongst all classes of the community. As he understood the right hon. Gentleman, he estimated the difference between his receipts and expenditure at £4,600,000, which would meet more than the debt of the Abyssinian expenditure; and by the alterations he proposed to make in the mode of levying taxes, he would receive a further sum of £3,350,000 applicable to remission of taxation. The remissions proposed were 1*d.* in the income tax, £900,000 duty on corn, and the remission of fire insurance. There was, however, one objection to his mode of collecting the large amount of income tax in one sum in the early part of the year, which deserved consideration. The property tax was paid by the tenant in the first instance, and in some cases it would be six or twelve months before he could recoup himself from the mortgagor or landlord on whom the tax was to fall. The right hon. Gentleman ought to remember that he was going to deal with £9,000,000 or £10,000,000, much of which was now collected from parties who were not ultimately liable, and who would have to make advances to Government out of their own pocket. It was rather hard that a tenant should have to advance for six months an amount of taxation which he was not bound to bear in the slightest degree, and for the collection of which he was merely a machine. The right hon. Gentleman said that unless this was done he would have no other resource of provision for the remission of taxation. He could, however, show him how a very large amount of taxation might be obtained. The Board of Inland Revenue, in their Report, intimated that if Schedule D could be collected without fraud on the part of those who were liable to it, a 6*d.* income tax would produce £1,300,000 additional revenue. This was a great hardship on those who paid upon land, houses, salaries, and pensions. The Commissioners had taken proceedings in the Court of Exchequer against defaulters, which had not been defended, and it appeared that some parties who returned their income at £750 had paid a surcharge of £4,900. The aggregate incomes returned were calculated to be 130 per cent lower than they ought to be, and therefore the obligations of the tax should be made more stringent. He had asked a question the other day in regard to charities and the expenses connected with them, and the right hon. Gentleman replied that there were no resources out of which to pay the expenses of the Charity Commissioners. Now, he thought that the very last thing that House ought to do was to subsidize the charities. He agreed with the right hon. Gentleman the Chancellor of the Exchequer in thinking that there was no possible ground or reason why charities more than any other description of property should be exempted from the income tax. Few persons were aware of the enormous extent to which these charities were growing, and of the difficulties entailed upon the Charity Commissioners in their management. A few years ago an Act was passed enabling the Commissioners to appoint special trustees, and this function was being largely developed upon them, through the neglect and indifference—first, of testators, and next, of their executors. The sum of money paid to the Charity Commissioners during the last eight years amounted to £4,000,000; and these funds, while enjoying in the future all the advantages and protection of the national system, made no contribution to the National Exchequer. Supposing that the system of charities could not at present be grappled with, there was another matter to which the Chancellor of the Exchequer might usefully give his attention. The right hon. Gentleman had intimated that upon the Civil Service Estimates there would be an excess; in all weathers and in all seasons these Estimates seemed to grow with rapidity. Twenty-eight years ago they stood at £2,500,000; and they have grown, year by year, till they now reached the sum of £9,500,000, jumping at the rate of about £500,000 a year. The Chancellor of the Exchequer had explained how, owing to the increase of population in the country and our educational system of payment by results, some increase of the Civil Service Estimates was inevitable; and this, with the transfer from another branch of the diplomatic establishment, accounted for £365,000 cut of the £500,000. But still there remained a balance illustrative of his assertion that these Estimates themselves were continually on the increase. Now that the total approached £10,000,000, it was necessary to investigate and to grapple with the evil; and if the Members of the Government, who themselves received estimates from the different public offices, were powerless to effect the desired reductions, Members must only come down in great numbers to the discussions upon the Estimates. The scheme which the right hon. Gentleman had shadowed out for the collection of taxes he was disposed to regard as sound in principle, if the wrong could only be got rid of which was done to the man who had to pay in the first instance, and who would, undoubtedly, be advancing money to the Government.

Mr. GLADSTONE: I rise, Sir, not to offer any lengthened observations, but, in the first place, to enter my protest against some principles laid down by the right hon. Gentleman the Member for Northamptonshire (Mr. Hunt) in the retrospective portion of his speech. I do not wish to make it a matter of controversy now, possibly I did not understand him rightly; but I understood him to say that in the summer of last year he considered measures for reducing the expenditure of the country, and perceived that the Revenue of the country was not likely to equalize the Estimates made in the spring. I likewise understood him to say that later in the year he took measures for postponing certain payments, and throwing them over into the next financial year. I hope I did not understand him rightly; but if he did really give utterance to those statements, I cannot too strongly protest against them; I cannot too strongly condemn the practice to which they refer, as one which, if pursued, would be destructive of the integrity of our national administration. But it is not the time now, when we have evidently a great deal of matter before us and in prospect, to pursue this question further; nor will I refer to the remarks which the right hon. Gentleman made as to the relative reductions contemplated by the late Government and effected by the present Government. I wish to put all that behind me. What is really important is, that we should, if possible, arrive at some understanding with regard to the method of proceeding upon the Bills intended to be brought in by my right hon. Friend the Chancellor of the Exchequer; and that, in reference to the somewhat onerous steps necessary to be taken upon them, we should adopt a course fair to all parties and satisfactory to the House and to the country. The right hon. Gentleman (Mr. Hunt) has stated, with considerable truth, that with respect to these proposals of my right hon. Friend—of some of which he approves, and even claims their parentage—and as to others, of which he reserves his judgment—some time will be required in order to enable the House and the country to judge of them. Now, among the Resolutions which have been placed in the hands of the Chairman (Mr. Dodson) there is one which will enable my right hon. Friend at once to initiate that portion of his plan. A Bill for the general amendment of the laws relating to the Inland Revenue will, I apprehend, contain all that is necessary with respect to the alteration in the time of the payment of the taxes, and the administrative changes contemplated by my right hon. Friend. I think it would be convenient that the Bill should be introduced at the earliest possible moment. However sound the principle of a Bill may be, time must elapse before it can obtain even a second reading, still more before it can get into Committee. And it might happen that the House would disapprove the second reading; or, reading it a second time, might object to important matters in Committee, which would equally determine the fate of the Bill. And therefore I am anxious to make a suggestion to the right hon. Gentleman on the propriety of adopting a course, which the Government cannot press, except with the acknowledgment of intelligent men that there is reason in the method pointed out. In ordinary cases, undoubtedly the practice of the House is to take the substantial discussion on the financial as distinct from the administrative proposals of the Government at the earliest stage. But if that course be adopted in the present year, inconvenience will result in one important respect—namely, with regard to the collection of income tax. Members of the House generally may not be as well aware as those conversant with the administration of affairs that it is of the greatest consequence to the Board of Inland Revenue to get the income tax passed at a particular period of the Session. At a certain period of the year the loss of an additional week or ten days in the passing of the Resolution meant that you could not levy your whole Revenue within the financial year, and therefore the result would be not merely a matter of inconvenience, but would amount to an absolute disturbance of the financial arrangements of the country. It is impossible that this inconvenience can be entirely avoided on account of the claim put forward by the right hon. Gentleman opposite for time to consider the proposed alteration in the time of payment; but we should gain a good deal if it could be arranged that the preliminary stages on the financial Resolutions could be taken without delay, the substantial decision with regard to the alteration in the time of payment being postponed until we go into Committee upon the Bill embodying the Resolutions, although I admit that the demand for time to consider the administrative changes made by the right hon. Gentleman opposite is a fair one. It is, of course, a necessary part of that arrangement that the corn duties must be dealt with in a manner different from the usual course, which is, that when a reduction or the abolition of a Custom's duty is proposed, it takes effect the very next day after it is made, upon the condition that the money shall be recoverable if the House should think fit not to sanction the change. In the case of the corn duties, however, if the House will agree to the proposition provisionally, the proposed change will not take effect until the House has had an opportunity of arriving at a judgment upon the substantial question. I hope that the House will agree to the suggestion, as it will undoubtedly be for the public advantage, and I also trust that the right hon. Gentleman will give his assent to the arrangement.

Mr. HUNT: I quite understand the proposition of the right hon. Gentleman. It is that we should pass the Resolution provisionally, reserving to ourselves the right of opposing the administrative Resolutions at a later stage. I have every desire to facilitate the Public Business; but what strikes me is that what the right hon. Gentleman calls the administrative changes will really have great financial results; in fact the financial arrangements of the year depend upon the passing of these administrative Bills. The consequence is, that in the event of their not being accepted by the House, we shall not be in a condition to part with the 6*d.* income tax, and therefore we might be compelled, after agreeto the 5*d.* income tax, to have to pass a Resolution to re-place the income tax upon its present footing.

Mr. GLADSTONE: It is proposed that we shall first take a 6*d.* income tax, with the understanding that if the administrative Bills are passed it shall be reduced to 5*d.*

Mr. HUNT: Seeing that the proposed changes in the collection of the taxes will affect a large majority of the tax-payers, I should strongly object, on public grounds, to the Resolutions being passed through the House in any hurry. Every tax-payer should have full opportunity for considering how the proposed changes in the collection of the Revenue will affect him.

Mr. GLADSTONE: We propose to take the 6*d.* income tax *pro formâ*, because it will be more easy to reduce the amount from 6*d.* to 5*d.* than to raise it from 5*d.* to 6*d.*

Mr. HUNT: I wish to refer to what fell from the right hon. Gentleman at the commencement of his remarks. In my opinion, when a prudent Chancellor of the Exchequer finds that the Revenue is not likely to come in at the rate anticipated, he should take care that the rate of the expenditure is diminished in a corresponding proportion. I assent to the general proposition of the right hon. Gentleman that a payment due in one year should not be postponed to the next; but there may be circumstances where it may be just and proper to postpone a payment, as in the case, for instance, where a tax has not been collected in the first year, but will come in in the next.

Mr. C. FORSTER said, he could not refrain from offering his congratulations to the right hon. Gentleman the Chancellor of the Exchequer for the change he proposed in the mode of collecting the taxes, and all the more that he had himself had the honour of bringing this question under the notice of the House at the commencement of the present Session. He advocated the removal of tax collection from the parochial officers to the Excise on the double ground that it would be a boon to the tax-payer and a gain to the Revenue. He wished he could induce the right hon. Gentleman to go a little farther, and hand over the collection of the house tax, the income tax, and the land tax to the Excise, for there was no Government but our own that did not undertake the duty of collecting its own taxes. He warned his right hon. Friend that he would encounter great opposition to his scheme from the whole host of surveyors, and clerks, and their *employés*, who had managed to defeat a similar plan of the right hon. Gentleman now at the head of the Treasury, in 1864, which, though it passed through nearly all its stages without any opposition, was thrown out on the third reading by a majority of 4 votes. He hoped a happier fate would attend the plan of his right hon. Friend, and he hoped the borough Members would attend regularly in their places, and change a system which was productive of so much irritation and discontent among their constituents.

Mr. NEVILLE-GRENVILLE said, he was afraid the scheme of the right hon. Gentleman, with its accumulation of assessments at the end of the year, would render obsolete the old English congratulation of a merry Christmas and a happy new year; but still he thought the plan of the right hon. Gentleman was a good one, and he was glad the right hon. Gentleman had followed in the course of the right hon. Gentleman below him (Mr. Hunt), who, finding the success of his dog license last year, pointed that out as a legitimate mode of levying various other taxes. He might add that he was glad not only that the right hon. Gentleman had followed the example of his right hon. Friend, but that he let the dogs alone; for when he saw so many Petitions coming up from the North against the tax on shepherds' dogs, he was afraid there would be introduced a system of exemptions, and that every ragged animal would be considered a shepherd's dog. As one who had supported Sir Robert Peel in the repeal of the Corn Laws, he had supported him also in the imposition of a 1*s*. duty, which he believed then and believed still to be a mere nominal one; but if it was of the slightest disadvantage to any portion of the community, and especially if it was found to press upon the poorest class, he, as a county Member, representing a large agricultural constituency, was ready to vote for its removal. He would not give an opinion as to the proposed manipulation of the assessed taxes; but he thought it would be hard to tax a boy who was learning his trade, who generally broke or destroyed more than he was worth, at the same rate, as an old and valuable servant. He thought his hon. Friend the Member for Chippenham (Mr. Goldney) had thrown out some valuable hints about the tenants prepaying the income tax, and also about the taxation of charities. He believed the Budget was pretty sure to be adopted *in toto*. He thought the scheme was a good one, and they ought to be obliged to the right hon. Gentleman for it. With respect to the taxes on locomotion, he believed they all agreed with the Chancellor of the Exchequer. At any rate, he congratulated his Irish friends that they were still free from any assessed taxes whatever.

Mr. CRAWFORD said, he desired to reserve his judgment on the propositions of the Chancellor of the Exchequer until the large constituency which he represented had had an opportunity of expressing their opinion on some portions of the scheme. He referred not to details so much as to the great changes proposed to be introduced into the system of the payment and collection of the Revenue as it affected the balances of the Government in the hands of the Bank of England. At present the charges and the means of meeting them were so well understood that the system worked with perfect regularity; but he could not avoid foreseeing that the time would come when the proposed changes would disturb the existing arrangements. It would, he believed, be necessary to devise some special method of meeting this difficulty; but, whatever method might be suggested, it would, of course, have to be taken into consideration at some future time. He could not help thinking that there would be some difficulty in carrying out this part of the Budget; but he had no doubt that in the hands of the right hon. Gentleman that difficulty would be seen to and provided for. He would not occupy the time of the House by criticizing the details of the right hon. Gentleman's statement; but there was one point on which he wished to make a few remarks. He understood the Chancellor of the Exchequer to say that dealers in tea in the country would be relieved from the license they now had to obtain. Now in almost all the villages in the country there were a number of small shops, the proprietors of which were licensed to deal in tea, coffee, tobacco, and snuff. He apprehended that the same class of persons would still continue to sell tea, but they would have to take out a license to sell the other commodities he had just mentioned. Consequently the relief afforded to these small dealers and their customers would not be so great as it would have been if the duties on the other articles had been abolished. He was not aware of the amount which these small duties brought to the Exchequer; but he should regret that the advantage which the right hon. Gentleman desired to confer on the purchasers of these articles in the country should be in any way lessened by the circumstance he had just mentioned. Generally speaking, he thought the Budget was an ambitious one, and he believed it would give satisfaction throughout the country. There was one matter in particular on which the Government deserved to be congratulated—they had kept their secret remarkably well.

MR. SCLATER-BOOTH said, his only object in rising was to clear up some doubt which he entertained as to the comparison drawn by the right hon. Gentleman between the total sum proposed to be taken in the Civil Service Estimates in the current year, and the total sum taken last year. He understood the right hon. Gentleman to say that, comparing the Civil Service Estimates of last year with those of this year, there was an apparent increase—in round numbers—of £260,000. Subsequently the right hon. Gentleman accounted for that in the manner which he would presently notice. Although the Civil Service Estimates for the current year had not yet been presented in detail, there had been laid on the table a Paper giving the total sums asked for in the present and the past year. Now, on comparing them, it appeared that the difference between the two totals was not £260,000, but £386,000. He was unable, therefore, to follow the right hon. Gentleman in this part of his statement. By way of explaining the apparent increase, which presented, as he said, a disagreeable contrast to the satisfactory state of the Army and Navy Estimates, the right hon. Gentleman pleaded in excuse two heads of items—first, those items which appeared in the Estimates for the first time; and, secondly, those items the increase of which was owing not to any fault or *laches* on the part of the Government, but simply to the necessary progress of the public service, and over which increase the Government had, therefore, no control. Now he readily admitted that the new items must be taken off before a comparison could be made. But taking off the new item for the House of Lords of £45,800 odd, and other items amounting to £158,000 odd, making together £204,000, the difference between the Estimates of the past and the present year was £182,000. He could not admit, with the right hon. Gentleman, that such items as an increase of contribution to the police force in the metropolis, in the English counties and in Ireland, could be fairly pleaded in extenuation of the excess of these Estimates. The late Government were subjected to a very severe attack last autumn by the right hon. Gentleman now at the head of the Government, and by his right hon. Friend the present First Lord of the Admiralty (Mr. Childers). It was said that the late Government had increased the Civil Service Estimates by £1,000,000, and that it was not enough for them to plead that a great part of such increase arose from the necessary growth of the requirements of various localities, over which growth the Government had no control; but it was urged that, for such additional requirements, compensation ought to be made by thrift and reduction in other items. He thought, therefore, that the right hon. Gentleman could not consistently use the argument he had put forward in extenuation of the excess which appeared on the Civil Service Estimates. He was far from wishing, however, to make any elaborate criticism on those Estimates at present. Their tendency was to increase, and it was extremely difficult for the Treasury to resist the demands which were being continually made for increased expenditure on part of the various Departments, which grew in a way not only justifiable in their point of view, but in a way which was appreciated and approved by the public at large. He believed, indeed, he could show that not less than £100,000 a year had been added to the Civil Service Estimates within a comparatively short time, in consequence of the requirements of localities in regard to local self-government and other local objects. However, he would not go into that on the present occasion. He congratulated the right hon. Gentleman on his proposal to extend that reform in the mode of collecting and levying the assessed taxes, which had been initiated by his right hon. Friend the Member for Northamptonshire (Mr. Hunt). It would be an undoubted improvement to collect local taxes by means of Government officers, if the right hon. Gentleman could carry that reform through. It was only a very short time ago that the right hon. Gentleman now at the head of the Government failed in his endeavour to persuade the House to consent to a measure of that kind. His hon. Friend the Member for Walsall (Mr. C. Forster) happily represented a constituency which had smarted under the malversations of some local collectors, and he and his constituents were, no doubt, prepared to submit to the levying of the taxes by Government officers. But, unless his memory greatly deceived him, other large towns held a very different opinion on the subject a few years ago. He trusted the right hon. Gentleman would be prepeared to withstand the opposition which would be raised on that score, and would resist the applications which would be made for compensation to those collectors in large and populous districts who were receiving large incomes under the old system, and who would certainly not fail to put forward their claims. The right hon. Gentleman took credit to himself for abolishing the taxes on locomotion. That sounded very plausible, and no doubt it would be a satisfactory thing to accomplish such a purpose. But was it accomplished by the right hon. Gentleman's scheme? How could it be said that the taxes on locomotion were abolished, while the railway passengers duty was retained? He had always understood that the railway passengers duty was a matter which required, at all events, serious attention on the part of the Chancellor of the Exchequer. It used to be said—"You cannot touch it without going into the whole question of taxes on locomotion." Yet the right hon. Gentleman now proposed to abolish the taxes on locomotion, so far as cabs and omnibuses were concerned, but to retain them as far as they were dependent upon railway enterprize. The railway tax produced something like £500,000 a year, and he did not understand how the right hon. Gentleman could hope to maintain it after after abolishing all the other taxes on locomotion. Even if that tax were retained, he thought it might be placed on a more satisfactory footing. The tax of 5 per cent on railway traffic was a very onerous one for the railways to bear. He believed that abolition of the exemption for cheap traffic and a uniform duty on a reduced scale would be fair towards the railway companies, and would enable the Government to dispense with the large staff of clerks and accountants now employed in the supervision of the railway traffic. He could only repeat that it appeared too much for the right hon. Gentleman to assume that he had put an end to the taxes on locomotion when this glaring anomaly was allowed to remain.

Mr. MELLY rose to thank the right hon. Gentleman for his excellent Budget, and especially, as a Liverpool man, to express his acknowledgments to him for the abolition of the duty on grain. That measure would greatly increase the trade of the country, and he believed that it would not, eventually, involve any real loss to the Revenue. He wished to ask the right hon. Gentleman a question with regard to the mode of collecting the assessed taxes. As far as he understood the right hon. Gentleman's proposal, the taxes due for the year ending the 31st of March, 1869, would be due on the 1st of April, and would be payable some time between that date and Christmas. On the first of January, 1870, those who were liable to pay assessed taxes would be required to take out a license for the coming year for whatever taxable articles they might desire to keep. Did the right hon. Gentleman propose that articles now liable to taxation should, between the 1st of April of the present year and the 1st of January next, go duty free. He congratulated the right hon. Gentleman on having introduced so able and satisfactory a Budget, and especially a mode of collection which would be attended by less evasion of taxation than hitherto.

Mr. HERMON remarked that it appeared to him that the remissions of taxation proposed by the right hon. Gentleman were to be satisfied out of a surplus arising from the anticipation of revenue—a surplus which, of course, would only occur once. The right hon. Gentleman proposed that the income tax should be paid on the 1st of January. Did he also intend to deal in the same manner with the Government annuities and so forth, and make income tax on sums derivable from those sources payable at that date instead of its being deducted, as it had been hitherto, without trouble to anyone, at the time the dividends were paid?

Mr. M'LAREN, as an illustration of the ease with which the income and assessed taxes were collected in Scotland, said that though the taxation in the town which he had the honour to represent (Edinburgh) was greater in amount than that of Leeds, Bristol, Manchester, or Sheffield, when an investigation took place, a few years since, with reference to the registration of electors there were only four persons in arrears. He believed that the plan they had listened to that evening would be found to work admirably. With reference to what had been said about the license tax on tea, he might observe that a very large dealer in tea with whom he had been conversing a short time since, said that if this license duty were abolished the additional sale and consumption which would ensue in the remote villages and hamlets of the country would more than compensate the Exchequer for the loss. He had recently presented Petitions asking for provisions similar to those now proposed respecting locomotion, and he had the honour of supporting them in the House. He believed nothing could be more beneficial than the course the Government intended taking in this respect. It had been urged that charitable institutions ought not to be exempted from paying property tax. He shared in that opinion, and he might add that when, a few years ago, an attempt was made to browbeat the Chancellor of the Exchequer when he proposed to tax these institutions, and when the right hon. Gentleman was waited on by an English deputation, headed by a Royal Duke, not a single Petition was sent up from Scotland in support of such an exemption. The right hon. Gentleman had referred to the large balance in his hands to meet the current engagements. It was usual to look at the whole amount invested in a bank in different accounts, so that the overdrawn account might be compensated by the overpaid.

Mr. POCHIN congratulated the right hon. Gentleman upon the very happy thought by which he had been enabled to overcome the difficulties which beset him. One difficulty, however, with regard to the proposal of the right hon. Gentleman appeared to be that a very large amount of money would be received in the month of January, or soon after, of every year. He quite conceived that the right hon. Gentleman might be enabled to meet the deficiency of the previous part of the year by the large payments that would be made him at that time; but when he reached the next year he would have to look forward a good while before he should receive any large sum again. The right hon. Gentleman had referred to the large balances that he had to meet current engagements. He would suggest that the balances of the Government should, as a matter of banking, be treated very much as business men treated their balances at the bank. It was, no doubt, a matter of considerable convenience to business men to have several accounts with their bankers; but it was a very common arrangement that those accounts should be treated as a whole, and not separately, and the consequence was that a deficiency on one account stood against a credit on another. If, then, there was a balance on the whole of the accounts taken collectively no difficulty whatever would arise in the banking arrangements. It was a matter of astonishment to him that the Chancellor of the Exchequer, in order to meet the engagements of such a country as this, should find it necessary to keep an aggregate of balances to the enormous amount of upwards of £3,000,000. He threw out that suggestion because it must be evident to everybody that there would be considerable difficulty in meeting the engagements that would arise during the current year.

Mr. RATHBONE, on behalf of his constituents, returned thanks to the right hon. Gentleman for having taken the 1*s*. duty off corn. It had become of much greater importance than might at first sight appear that the duty should be taken off, because it had seriously interfered with this country becoming the depôt of foreign nations, and a strong deputation had waited on the Chancellor of the Exchequer this year to urge the removal of the duty. Formerly the corn supplies used to come only from neighbouring countries, but now a large proportion of them came from places so distant as Australia and America, and, consequently, the supplies could not be regulated with extreme nicety. Speaking from considerable experience, he could say that it had often been a matter of close calculation whether an order received in Liverpool could be executed, as it depended on whether the parties could find wheat on board ship which could be transferred to another ship without incurring the 1*s*. duty. It was not the mere amount of the duty that told, but the increasing difficulty of the working. He considered that the country owed a deep debt of gratitude to the Government for doing away with this tax, not alone on account of the beneficial effect it would have on the main food of the masses of the people, but also the benefit it would confer on the trading community. He agreed with the previous hon. Gentleman, that the Budget was one calulated to prove satisfactory to the country.

Mr. ASSHETON CROSS said, that no one rejoiced more than he did in the reduction which had been shadowed out in the statement of the right hon. Gentleman. He rejoiced at the total abolition of the fire insurance duty, and also that the last 1*s*. upon corn had been taken off. Not that he believed that the 1*s*. duty upon corn had the effect which the Chancellor of the Exchequer would have the House to suppose, or that it had increased the price of wheat throughout the country. Still he rejoiced that even the suspicion of a tax on the food of the poor man should be taken away. If ever there were taxes which were inconvenient, and, to all appearance, without system, both from the way in which they were imposed, and the manner in which they were collected, it was the assessed taxes, and he rejoiced at the alteration which was now proposed. But, having said that, he might be permitted to add a hope that we should be able to afford all those advantages which were offered to the country. That was the only doubt on his mind. He had always understood that the remission of taxation was so nice, easy, and pleasant, that the only difficulty was to find out when they could afford it. In other words the question was, could they afford "to make things pleasant all round"—a phrase which had been used not for the first time in that House? Well, the right hon. Gentleman had made things pleasant all round, and the only question was, could they afford it? The right hon. Gentleman had started with this somewhat extraordinary proposition, that we were in very great difficulties, and if it were not for some happy thought that struck him some time ago, instead of removing taxes he should have had the unpleasant duty of framing some new taxation—he had not the slightest notion what it would have been. Well, what was that happy thought? It was simply this—that by a great administrative reform, and one which he (Mr. Cross) believed would be of great advantage to the country when it was carried out, the right hon. Gentleman should get possession of a large sum of money much earlier than otherwise would have been the case! That was to say, when the right hon. Gentleman had a bill upon the country which he knew would be paid in the course of time, instead of waiting until it was due he would send it to some banker and discount it. In fact it was a pure matter of nine months' discount, and when the right hon. Gentleman had got the money in his pocket, he seemed to think that it would fall to him every year for the future. He was quite aware that the right hon. Gentleman had stated that it was a windfall that would not happen again; but at the same time he spoke of it as income. ["No!"] He was quite sure the right hon. Gentleman had made use of the word "income" with respect to it. In fact, the right hon. Gentleman was using this windfall as if it was income, and was not only discounting his bill but was making use of this large sum as if he was quite certain it would fall in every year.

Mr. NORWOOD, while entirely approving the exemptions and reductions one by one, was not altogether satisfied as to the reduction of the duty on corn. He could see very well that the upper and middle classes would be very much benefited by the proposed reductions and remissions, but, when he came to reflect on what the working man was to get, he found it was only a remission of 1*s.* upon corn. The poor man, in his opinion, would benefit extremely little by this reduction. He differed entirely from the hon. Member for Liverpool (Mr. Rathbone) that the remission of this 1*s.* duty would have the effect of making this country the entrepôt for the supply of grain to other countries. England was the only country in the West of Europe which was habitually a heavy importer of corn. And then let the House consider how very small was this duty compared with the expense of landing the grain and storing it. The only countries which imported corn to any great extent were France and Spain, when their own harvests happened to be deficient, as was the case perhaps once in four or five years. Representing, as he did, a large number of working men, he must say that he did not see in all that great remission of taxation — in every item of which he agreed as a matter of principle—where his poorer constituents were to derive any appreciable benefit. A reduction of the duties on tea, sugar, coffee, or dried fruits would, on the other hand, be the greatest possible boon to the poor and also advantageous to trade.

Mr. W. FOWLER: I will not detain the Committee, but I wish to make a few remarks on a point which is of much importance to the money market. I am afraid the right hon. Gentleman thinks the money market can take care of itself, but this is not quite correct. I think that much inconvenience may arise from the payment of so large a sum of taxes in the first quarter of the year, and I ask the particular attention of the Chancellor of the Exchequer to this point, that he may discuss it with the authorities of the bank. I hope too that while we are making things so pleasant, finding that 1*d.* is taken off the income tax, when we expected to have one added, the House will not forget the vast increase in the expenditure on the Abyssinian Expedition beyond the Estimate. I trust that a Committee will soon be appointed to inquire into this matter. I agree with the hon. Member behind me that while there is much that is very good in this Budget, I should have been better pleased had something more been done towards the relief of the great class of consumers. I think it would have been more becoming in a Parliament which represents so great a body of working men, if more had been done in this way. It is a good thing to repeal the duty on corn, but it would have been far more so to have reduced the duty on tea or sugar. And now I wish to call the attention of the Chancellor of the Exchequer to a great source of income which has been hitherto neglected. My hon. Friend the Member for Chippenham (Mr. Goldney) has recommended us to tax the property of charities. I can point to a much more important source of revenue. I refer to the succession and probate duty. The state of these duties is a scandal and a disgrace to the nation. If a man succeeds to personal property he pays duty on the whole property, but if he succeeds to land he pays only on the value of his life interest. Ten years ago the right hon. Gentleman the President of the Board of Trade referred to a case in which a Member of this House — a young man — received from a stranger a landed property worth £32,000, and he only paid £700 as duty, whereas, had the property been personal, he would have paid £3,200. The succession duty had been a disappointment to all Chancellors of the Exchequer, because it was in the beginning something very like a "a sham." Take, too, the case of the probate duty. The vast leaseholds in this City pay probate duty, but a man succeeding to a freehold estate in Middlesex pays no probate duty. I say, Sir, that these distinctions are as unjust as they are absurd, and I feel it my duty to protest against them on this occasion, when we are asked to approve the Budget. I will give the right hon. Gentleman an idea of the value of the property involved in this question. It appears that the annual value of the property assessed to income tax in Schedule A. in 1864 was £147,000,000; and the value of the houses and lands alone was £118,000,000. From this the House will see the importance of the question, and I hope shortly to bring it before the notice of the House in detail. I know what hon. Gentlemen opposite will say. They say—

"We are so heavily charged by local taxation that we can afford to pay no more." I reply—"If you are unjustly treated, show it, and we will remedy the evil;" but I say it is utterly wrong to try to compensate one unfairness by another unfairness. I repeat my protest against the injustice and inequality to which I have referred.

Mr. GRIEVE congratulated the Chancellor of the Exchequer on his excellent Budget, and felt grateful to him for proposing to sweep away the last rag of Protection—the 1*s.* duty on corn. While thanking him also for the reduction of 1*d.* on the income tax, he expressed the opinion that the proposed remission of the duty on fire insurance was one of the most important parts of the financial scheme.

Mr. CANDLISH believed they had not had an abler statement or a better Budget than the present since the time when they were favoured with the brilliant financial statements of the right hon. Gentleman now at the head of the Government. Nearly £1,000,000 sterling of taxation was proposed to be remitted on the article of corn, but everybody knew that not only would that amount be saved to the working classes, but 1*s.* per quarter also on all the grain grown and consumed in this country. He could not see, therefore, why it should be said that the Budget had been conceived in the special interest of the middle class. The hon. Member for South Lancashire (Mr. Cross) had overlooked one important fact—namely, that under a normal balance-sheet no less a sum than £4,630,000 would have been available for the reduction of taxation this year but for the extravagant expenditure of hon. Gentlemen opposite on the Abyssinian Expedition. ["Oh, oh!"] Why, hon. Gentlemen opposite knew very well that a more extraordinary miscalculation had never, perhaps been placed before a representative Assembly than the estimate for the war in Abyssinia, by which the late Government had so much misled the House and the country in the early part of last year.

Mr. Alderman W. LAWRENCE congratulated the Chancellor of the Exchequer on the Budget he proposed to the House. He found himself with a prospective revenue barely sufficient to meet the expenditure for the year; and yet, by simply adopting a different mode of collecting the taxes, he was enabled to propose a large reduction of taxation. For this he was entitled to the praise and thanks of the country. "Pay," he said to the taxpayers, "in advance, and I shall be enabled to remit the insurance duty on fire, the 1*s.* duty on corn, and reduce the taxes on locomotion, which so much interfere with the movements of all classes of the community." And at the same time that he did all this, he effected a reduction in the expenses of the collection of the revenue. But what was to be done in the case of those who had paid their fire insurance duty seven years in advance? Were such persons to be allowed a drawback? ["No, no!"] Probably many hon. Members had not paid their insurance in advance; many others, however, had done so, and they would assuredly claim a remission. He repeated his praises of the chief characteristics of the Budget, and hoped the Chancellor of the Exchequer would have the opportunity for some years to come of carrying out other equally felicitous schemes.

Mr. STAPLETON, though thankful for what the Chancellor of the Exchequer had promised, felt some regret that he had not to some extent reduced the postage charge for newspapers. The subject had been before the House, but in connection with, and subsidiary to, the reduction of the postage on circulars, a subject respecting which he knew little and cared less, for he believed no one ever experienced any pleasure at receiving circulars through the Post. The reduction of the postage on newspapers, however, was a matter of universal interest, and it especially interested rural districts, where none but the most wealthy afforded themselves the advantage of a London newspaper by Post, because the carriage amounted in the case of 1*d.* paper to 100 per cent, and in the case of ½*d.* paper to 200 per cent. The Chancellor of the Exchequer would not incur a loss by making the reduction he asked for. At present 69,000,000 newspapers passed through the Post, 37,000,000 bearing the official stamp and 32,000,000 bearing the adhesive stamp. The postage amounted to £260,750, so that if the rate were reduced to one-half and there were no increase of newspapers carried the yield would be £130,375.

There would, however, undoubtedly be a large increase, probably four-fold. At all events, only a small portion of this £130,000 would be risked, and putting it at one-third the Chancellor of the Exchequer would risk some £50,000, and would most probably find that instead of a loss he would have a large gain. He could not understand the Post Office, which, after all, was only a common carrier, objecting to extend its business on grounds of economy.

Mr. MUNTZ, after expressing his approval of the proposal that the revenue officers should undertake the collection of taxation, instead of the present collectors, said, it was most unfair that the late Government should be made responsible, as they had been that evening, for the Abyssinian War. If the honour of the country were to be preserved in that case, there was no alternative but war; and if he had been in the House at the time, much as he disliked war, he should have supported the Government. England had been peculiarly fortunate in that war too. Had Theodore been as wise as he was valiant, and retreated to the hills, the war would have become a protracted one, and proportionably expensive. But the lesson of the whole transaction was that, however admirable the object of missionaries—and he honoured them as the pioneers of civilization all over the world—they must distinctly understand that they could not hope for the support of the country, if they chose to insult foreign Kings. European missionaries had denounced Theodore as a heathen, and he naturally insisted on their being more polite, or he would lock them up. If the Queen of Spain or the Emperor of Austria had been the persons insulted, the missionaries would have been locked up, as a matter of course, and England would have said, "Serve them right." Well, the Abyssinian business had cost the country £10,000,000; and all the return for it was a slight *prestige.* But for the Abyssinian War, we might have had £10,000,000 to apply in diminution of taxation. He hoped it would be a long time before the House of Commons, or any Government, encouraged the folly of men who, through being more zealous than wise, got us into these difficulties.

Mr. MACFIE rose to congratulate the country that there was so much public spirit and so little party spirit in the House of Commons. The country would learn with delight that every allusion to the abolition of the corn duty had been received with applause by the opposite side of the House. It must be remembered that this first-rate Budget of the right hon. Gentleman was the result of a short occupation; but if, as he hoped would be the case, the right hon. Gentleman should continue in Office, he hoped that next year the right hon. Gentleman would then bring forward, if not a heroic, a more ambitious Budget than the present. With reference to the Income Tax Returns, he was sorry to observe, from the Report just issued by the Department of Inland Revenue, that his own class, the mercantile community, were sadly demoralized, and that many of them were delinquents. He would propose, as a remedy, that the name of one out of every fifty taxpayers in a given district should be put into a bag, and that the person whose name was drawn out should have his affairs investigated to the very letter. This would have a wholesome effect on the whole, and on all individuals under schedule D., however bad the state of their morality might be. He invited the Chancellor of the Exchequer's attention to the extra charges on goods lodged under bond. A Member of the House had stated that his firm had paid £1,000 in one year in these charges. He (Mr. Macfie) would be glad to see something at credit of the British Balance Sheet from the colonies, and would also be pleased that the "free breakfast table" were realized, though ready to relinquish even that, if it were requisite, in order to carry out an earnest scheme for paying off the National Debt, in consonance with declarations to which he had responded in heart when given forth, in former years, by the right hon. Gentleman now the First Lord of the Treasury.

The CHANCELLOR of the EXCHEQUER: I must tender my grateful acknowledgments to both sides of the House for the kind manner in which they have received my proposals, which, of course, will require much consideration, and perhaps some revision. There are a few questions to be answered, which I shall briefly reply to. The hon. Member for Hampshire (Mr. Sclater-Booth) asked me why I had done nothing for the railways, and said that I could not be said to have reformed the duties on locomotion without beginning with railways. The answer is a very plain and simple one. The railway question is one which can be settled only by an arrangement being come to between the Government and the railways; it is not all on one side. We have a good deal to ask from the railways as well as to give them. I shall be glad to enter into negotiations with the railway companies on the subject, for I am quite willing to consider the possibility of doing anything in reason to relieve them if they will entertain such propositions as the Government may make with regard to public convenience, the carrying of letters and troops, and other matters. It is quite possible that if they take this hint some arrangement may be come to which may be advantageous to both parties. Of course, the railways form the principal means of locomotion, and could I have regulated the terms of a contract the railways would not have been omitted from the Budget. With regard to the Civil Service, my estimate is not irreconcileable with that previously submitted to the House, and the Secretary to the Treasury will to-morrow, on going into Committee, explain the matter in more detail. I did not intend to exhaust the subject, but I showed plainly that the increase in the estimate is accounted for by causes over which the Government have no control. I have been asked whether I propose that people shall be taxed in respect of the period that will elapse between the months of April and January, and whether a man who marries in April will be taxed for his establishment? I say, if he marries in April and if his matrimonial speculation turns out unfortunate, and he hangs himself on the 29th of December, there will be no tax upon his establishment. That will be a period of remissions, of compensation for the change from paying taxes at the end to paying them at the beginning of the year. It has been pressed upon me by the hon. Member for South Lancashire (Mr. Cross) and others that I am doing an improvident thing because, on the strength of the money I receive by this single operation, I remit permanent taxation, and that objection would be conclusive if it were well-founded; but I think it is not well founded, because the question is as to the appropriation of that money. I have

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spoken of it, no doubt, in my Budget speech for convenience, as being the sum which enables me to remit taxes; but it does not do so, except by setting at liberty other sums of money which enable me to remit taxation. I put it in this way—Suppose the Indian Government, being ashamed of having run up so large a bill, should take it into its head to pay off £3,000,000 of this Abyssinian difficulty, should I not then be in a condition to remit the taxes; and what does it signify whether the Indian Government pay it, or I obtain it in this way? It is true, the money will never come again, but then the debt will never come again. Then I have been asked to state what will be the effect of the repeal of the corn duties with regard to other duties, such as the duty on arrowroot. Of course, they will fall with it. This change will not only remove the duty on corn, but that on fourteen other articles. One hon. Gentleman reproached me because I have not taken the duty off currants. I should be glad to do so, but there is an obstacle in the way. The state of the case is this—Currants are subject to an export duty in Greece; they are the subject of monopoly, and if I were to take off the duty in England they would put it on in Greece, we should lose revenue, and we should not be a bit nearer a free breakfast table. The worthy Alderman the Member for the City of London (Mr. Alderman Lawrence) asked whether we should return insurance duty to any gentleman who was patriotic enough to pay insurance seven years in advance; and I think we should not. When the duty was reduced from 3*s.* to 1*s.* 6*d.* I never heard of any one being patriotic enough to come forward and pay us the difference then; and, after the course taken by the hon. Member for Dudley (Mr. Sheridan) on this subject, they would be very imprudent persons who would have paid insurance seven years in advance, and would well deserve to lose their money. An hon. Member asked me whether we hoped to have the income tax collected by the 1st of February. All that is proposed is that the income tax shall become due on the 1st of January, but we cannot hope to collect the whole of it in the first quarter, between January and April. It is right to mention this, lest it should be supposed that we contemplated employing some extraordinary means to collect the tax.

We would be content to collect it as it has hitherto been received. Again I thank the House for the manner in which my statement has been received.

Mr. HUNT wished to know whether the loss on the income tax was a real loss to the revenue, and also what was the estimated amount of the balances in the Exchequer at the end of next year?

Mr. STANSFELD replied, that the deficit of £82,000 on the calculation of the income tax was, as far as he knew, only a postponement, and was estimated in the revenue for next year. With reference to the question of the balances, he thought the right hon. Gentleman was under an entire misapprehension. His right hon. Friend said that after deducting the advance of the Bank of England there would remain a balance of £2,775,000, but if the balance was carried on to the end of the year there would be £2,000,000 to be advanced out of Ways and Means. This, with the surplus anticipated in the Budget, would bring the balance up to £5,317,000.

Question put—

"That, towards raising the Supply granted to Her Majesty, the Duty of Customs now charged on Tea shall continue to be levied and charged on and after the 1st day of August 1869 until the 1st day of August 1870, on the importation thereof into Great Britain and Ireland: viz.

		s.	d.
Tea	the lb.	0	6

The CHANCELLOR of the EXCHEQUER said, he understood that there would be no objection to the Resolutions.

Mr. HUNT said, it was most unusual to take any Resolution the same evening as the Budget was proposed, but he had no objection to the Resolution with regard to tea. He wished to know when the whole of the Resolutions would be before the House in print?

The CHANCELLOR of the EXCHEQUER said, he would not press the Resolutions, and asked whether there would be any objection to take the Resolution on which the Bill was founded in reference to the transfer of the collection of the assessed taxes?

Mr. HUNT said, he did not object to that course being taken.

Motion *agreed to*.

(1.) *Resolved*, That, towards raising the Supply granted to Her Majesty, the Duty of Customs now charged on Tea shall continue to be levied and charged on and after the 1st day of August 1869 until the 1st day of August 1870, on the importation thereof into Great Britain and Ireland: viz.

		s.	d.
Tea	the lb.	0	6

(2.) *Resolved*, That it is expedient to amend the Laws relating to the Inland Revenue.

House *resumed*.

Resolutions to be reported *To-morrow;* Committee to sit again *To-morrow*.

CONTAGIOUS DISEASES (ANIMALS) (No. 2) BILL. [Bill 38.]

(*Mr. Dodson, Mr. William Edward Foster, Mr. Secretary Bruce.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. W. E. Forster.*)

Mr. E. EGERTON said, he felt it to be his duty not to allow the present stage of the measure to pass without, in the interests of his constituents in Cheshire, calling attention to its provisions. The case of Cheshire was one of peculiar hardship, and it had suffered much from previous legislation on the subject of the cattle plague. The county contained 487 townships, 406 of which had been seriously affected by the disease. 35,000 head of cattle had been killed there before the passing of the Compensation Act in 1866, and he contended that, inasmuch as those cattle were slaughtered for the public advantage, it was not fair that the loss of them should fall upon that particular locality, but should be made chargeable to the country at large. He, under those circumstances, felt bound to tell the right hon. Gentleman the Vice-President of the Council frankly that, when the details of the Bill came on for consideration in Committee, a demand would be made by himself and those who took the same view of the question for the insertion of a clause making it obligatory on the country at large to pay the compensation for a loss which was incurred for the general good, instead of throwing it upon the locality itself. He would only add that upwards of 400 Petitions had been presented on the subject from different parts of Cheshire, and he trusted some means would be found of alleviating the grievance of which they so justly complained.

Mr. J. B. SMITH considered the Act of 1866 the most extraordinary Act that ever was perpetrated, and regretted that similar unjust principles had been embodied in the present Bill. The right hon. Gentleman the President of the Board of Trade (Mr. Bright), when the Bill of 1866 was brought in, objected to the course then proposed as very unwise, because it was legislating for a panic, and "There was," he said, "hardly anything more absurd and pernicious than a panic." The House might form some idea of that panic when they were told that the Bill was passed in the course of four days, and that it laid down different principles with regard to compensation for cattle compulsorily slaughtered in England and Scotland. The principle for England was that no borough should be exempt from contributing to compensation unless it had a court of quarter sessions, while in Scotland all boroughs or towns were exempted from payment of compensation for cattle compulsorily slaughtered. About a fortnight after the passing of the English and Scotch Act, a Cattle Diseases Bill was brought in for Ireland which differed altogether from the former, and enacted that compensation for cattle compulsorily slaughtered should be levied on all the Poor Law Unions—this change was at once a recognition of the unjust principle of the previous English Bill. The right hon. Baronet the Member for Morpeth (Sir George Grey) in his speech in introducing the Cattle Diseases Bill for England, in 1866, said—

> "The speech from the Throne deeply affects the interests of the people of this country, and when I speak of the interests of the people of this country I do not mean the interests of one class or another but the interests of the whole community."

No doubt the right hon. Baronet intended to legislate in the spirit of this declaration, because the Bill he brought in made no distinction between England and Scotland, the boroughs in both countries being exempted from contributing to the compensation for any cattle compulsorily slaughtered except in their own boroughs; but, strange to say, in the legislative panic which then existed, a clause was smuggled in at the last moment without previous notice altering the definition of the term borough in England and confining its meaning to a town having a court of quarter session. The effect of this alteration was to exempt places like Manchester, which had a court of quarter sessions, from the cattle rate, while all municipal boroughs were placed on the same footing as the agricultural districts, and were made to pay for the compulsory slaughter of cattle in the county to prevent the spread of the contagious disease to their cattle. The injustice of such a law will be seen from the fact that Salford, which had only five cows, had to pay £1,985 as its share of the county compensation, while Manchester, which had a court of quarter session, paid only £7 for the loss of a cow in that city; Preston, with two cows, paid to the county £1,195; Halifax, having no cattle, paid £876; and Oldham, with one cow, paid £1,227. The towns which had no cows should surely be excepted from rates for staying the spread of disease; for the inhabitants there suffered enough in the increased price paid for their meat, butter, and milk. But there was no injustice to equal that inflicted on Cheshire. The Bill enacted that, wherever the cattle plague broke out, the area for the payment of compensation for cattle compulsorily slaughtered should be the county. Now, Cheshire had suffered more than any other county. It lost 37,000 cattle before the Bill passed, and got no compensation for these, and then 35,000 cattle were compulsorily slaughtered — for whose benefit? For the benefit of those who had healthy cattle in other parts of the country, and who, in consequence of the disease being thus stopped, saved their cattle and were able to get a higher price for them. Yet those persons had never paid a farthing. This was what he complained of. The borough which he represented (Stockport) had three cows, and would have to pay something like £30,000 as its share of the county rate. That was a case of the grossest injustice, not to be paralleled in any civilized country in the world. If such a case had occurred in Turkey, we should have said—"What can you expect in a country where life and property are at the disposal of a despot?" He complained that the unjust and objectionable portions of the existing law were embraced in the present Bill, and, while he consented to the second reading of the Bill, he claimed the right farther to discuss it and to propose such alterations as appeared to him to meet the justice of the case.

Mr. CORRANCE said, he did not intend to oppose the second reading of the Bill, but he was afraid that to the public at large it would not afford that amount of protection to which they considered themselves entitled. He used the words "public" designedly, because, after all, in the long run, it was the public, that is, the consumers, who paid for these calamities. He confessed that the Bill seemed to him to be intended to enable the Privy Council to do something that could be done without. After all, the Privy Council had never had the cattle plague while the cattle had had Privy Council enough. The Privy Council seemed to be passing this Bill on their own account, because they were afraid of something, and they certainly had reason to be afraid of pressure from certain places. The arguments and theories of hon. Gentlemen opposite went some way to justify the precaution of the Privy Council against themselves. Three of their theories were of an extraordinary character. First, there was the Providential theory of the right hon. Member for Newcastle, and then the cry of Protection; but he warned hon. Gentlemen opposite that if that cry was used in this loose way, at all times and places, in order to suit certain circumstances or cases, there was serious danger that a most important, most useful, and most elementary part of economical science might fall into disrepute, and it was matter for regret that Mr. Mill was no longer in the House to rebuke such a sentiment. The third theory was, that, with regard to the movement of cattle in the limits of this country, foreign and English stock should be placed upon the same footing. That meant that, because we were unfortunately obliged to put certain restrictions on foreign cattle—and he thought it a great misfortune—we should therefore put similar restrictions upon English cattle. In other words, having raised the price of meat by the restrictions which we were forced to place on foreign cattle, we were to raise the price much more by imposing restrictions on home produce. The right hon. Gentleman who had charge of the Bill (Mr. W. E. Forster) had detected all the fallacies involved in these theories, but it was significant that he should hear them uttered from the Benches behind him. One of the faults of the present Bill was that it began *ab initio.* It did away with all the previous restrictions obtained through such long experience and pressure, although it re-enacted them afterwards, and the adoption of such a course was calculated to raise doubts in the minds of those with whom the present restrictions had obtained the force of prescriptive law. The moment those doubts were raised all the old agitation would begin again. One thing was certain, and that was that, as had been proved by the cases of France, of Belgium, of Holland, and of this country during the last two years, it was possible to keep out the plague; but that should be done, of course, with the least practicable amount of annoyance and inconvenience. He did not deny that such an object might be attained under the provisions of the Bill; but he thought they ought to obtain some better assurance than had yet been given that stringent measures for that purpose would, in case of necessity, be adopted. He did not believe that any market authority would, under the present Bill, advance the necessary funds for the construction of a foreign cattle market; but that was only an argument against the Bill, and not against the market, and he asked whether the right hon. Gentleman could not propose some provision to supply this defect in the measure.

Sir ROBERT ANSTRUTHER reminded the hon. Member that the House had to choose between the proposition to place the responsibility of preventing the cattle disease on the Privy Council, or a system of permanent restriction embodied in the Bill of the noble Lord (Lord Robert Montagu); and the Bill of the Government was, in his opinion, much to be preferred. The Government assumed the chronic state of the animals imported into this country to be one of health, while the noble Lord had assumed it to be one of disease. Under the present measure, the restrictions on importation would be reduced to a minimum, while precautions would be taken against the spread of the disease. Cattle slaughtered by the order of the inspector were slaughtered for the good of the public, because if the cattle plague spread the price of meat could not be kept down; therefore, the question connected with compensation for the slaughtered cattle deserved great consideration. In Cheshire, the cattle plague had been most ruinous in its effects, and yet, after many men had been deprived of their fortunes by the disease, they were called on to pay compensation. He understood that a meeting had been held that afternoon in the Tea Room in reference to the establishment of metropolitan markets for foreign cattle, and he believed that the subject had been considered by the right hon. Gentleman the Vice President of the Council, and that he would be able to give an assurance that some satisfactory arrangement would be come to in reference to it. There was one part of the Bill in which he should move an Amendment—he meant the 61st clause relating to the transit of cattle by rail. Nobody who had not investigated the subject was aware of the dreadful torture inflicted upon these animals under the present system of conveying them from place to place. Very often the poor dumb creatures had to pass four, five, and even six days without even food or water, and their sufferings were very great. Apart from the cruelty of such a system, there could be no doubt the quality of the meat must be very much deteriorated. He should, therefore, in face of the railway interest, which was so strong in that House, be prepared to move words rendering it compulsory to find food and water for all animals being conveyed by railway beyond a certain distance or being detained on their journey beyond a certain length of time. In other respects he thought the principle of the Bill should not be interfered with.

Colonel BARTTELOT said, he was not one of those who had attended the Tea Room meeting referred to; but he was rather surprised to hear the remarks of the hon. Baronet on that subject, especially when it was known that the Scotch Members were in the habit, not only of meeting in the Tea Room, but deciding there exactly what they should do before they came into that House. [Sir Robert Anstruther: Not in the Tea Room.] Well, in some more convenient apartment. He (Colonel Barttelot) entirely denied that the Bill was in accordance with the opinions of the majority of the House. He gave the right hon. Gentleman the Vice President of the Council the fullest credit for introducing the measure under the impression that he was about to do justice to all parties; but if it were passed in its present form, the greatest injustice would be done to a very large and influential class of persons. Representing a large agricultural constituency, he said what was wanted was this—they should have, not Protection, but prevention of disease, which would be as fair for the consumer as for the producer. He would now divide the Bill into three parts. The first portion of it, which consolidated all old Acts, was excessively good, and he had no objection to see it carried. The second related to the restrictions that were to be placed upon home cattle; and with respect to this he would only say that the farmers had no objection whatever to some restrictions being placed upon them, provided that they in their turn were protected from the importation of disease from foreign cattle. And with respect to the third point, the importation of foreign cattle, he wished, both in the interest of the producer and consumer, that they should be imported freely, but in order that that should take place there must be some proper place of import—there should be a foreign cattle market in London. With that they would be satisfied. Without it they could not prevent disease spreading all over the country. He was prepared to stand by these principles in Committee on the Bill.

Mr. RYLANDS said, that the provisions of the Bill before the House had reference to two main points—the restriction upon the importation of cattle, and the compensation for compulsory slaughter. He had supposed from the opening remarks of the hon. Gentleman opposite (Mr. Corrance) that he complained of the restrictive clauses of the Bill being too stringent, but it afterwards appeared that he was desirous of greater restrictions. He (Mr. Rylands) agreed with the hon. Baronet the Member for Fife (Sir Robert Anstruther), that the amount of restrictions imposed should be the minimum which was consistent with the necessary amount of security. He considered that this was sufficiently met by the Bill of the right hon. Gentleman (Mr. W. E. Forster), and he should therefore give it his support. But his principal object in rising was to refer to the compensation clauses which pressed very unfairly upon the borough he represented. Warrington had had to pay a considerable sum as a rate-in-aid for Cheshire, whilst Wigan, a town of the same size and similarly situated was exempt, simply because it had a separate court of quarter sessions, whilst Warrington had not. He urged upon the House the unfairness of the definition of a borough under the existing Act, and which was proposed to be continued in the present Bill. It was a most unusual, if not unprecedented interpretation of the word "borough," to exclude towns which had municipal corporations simply because they were assessed to the county rate, and he pressed upon the right hon. Gentleman to restore the clause to the state in which it stood when the Bill of 1866 was first brought in. The hon. Baronet (Sir Robert Anstruther) had misunderstood his hon. Friend the Member for Stockport (Mr. J. B. Smith). His hon. Friend, complaining of the burden cast upon Stockport by the Cattle Plague Rate, had not argued that the compulsory slaughter of cattle was not for the public good, but he contended with much reason that it was a great hardship for Stockport to pay £30,000 for compensation, simply because it had not a separate court of quarter sessions. If cattle were to be slaughtered to stamp out the plague, it appeared to him that the compensation fund should be raised over a wide area. In the Bill of 1866, as originally prepared, there were clauses which provided for a cattle rate, which certainly would afford the fairest mode of raising the amount required for compensation. He (Mr. Rylands) gathered from the remarks of the hon. Member for North Cheshire (Mr. E. Egerton), that he was favourable to this course, and if the agricultural Members pressed it upon Government they would receive the support of many Members representing the boroughs. The other plan of raising a rate-in-aid was to extend it over the entire country. The burden of compensation in that case would be necessarily light, and it would be in every way a fairer course than to charge a heavy amount upon a limited area surrounding the infected locality. He disclaimed, on the part of Members representing boroughs, any hostility to the agricultural interests, and hoped that all parties would unite in supporting such moderate and reasonable proposals as would be for the advantage of all classes of the community. In conclusion the hon. Member again urged upon his right hon. Friend (Mr. W. E. Forster) to remove the injustice of the present compensation clauses of the Bill.

Colonel BRISE said, he had presented Petitions in favour of the Bill of the noble Lord (Lord Robert Montagu), signed by all classes and sections of politicians. In fact, he stood there with the echo of the Chambers of Agriculture still ringing in his ears, and he did not think that those bodies ought to be spoken disparagingly of in that House; for he thought if there were any bodies whose opinions upon these matters deserving of consideration they were those of the character to which he had referred. The present Bill was an admirable one as regarded stopping the progress of disease; but he looked through it in vain for any preventive clauses. It would assist in the detection of diseases, but when it was too late. They were all interested in the supply of meat to the great body of the consumers, and it was, therefore, necessary that there should be no uncertainty in the great cattle markets of the country, and that there should not be this constantly recurring rise and fall in price. It was highly desirable that the great body of the working classes should have wholesome meat at as low a price as possible. Even the President of the Board of Trade—although he thought the country would not be worth living in if the warehouses of traders were to be inspected to discover fraudulent adulterations—would admit that it was desirable that the working classes should have pure and wholesome meat. No doubt some of the large towns had severely felt the restrictions that had been put on the foreign cattle trade during the last few years. It had been stated by the members of a deputation to the Vice President of the Council from Newcastle that the inhabitants had suffered from the high price of meat. He had, however, consulted the market reports of Newcastle of August and September last, which effectually contradicted the assertion that the market had suffered from the restrictions upon foreign cattle. He objected to this Bill, because, if it passed in its present shape, it would be far better that the Orders of the Privy Council should be issued as heretofore than to put the country to the expense and inconvenience which this measure would cause to the ratepayers in the formation of committees and the appointment of clerks, veterinary inspectors, &c. He objected, in the next place, to this Bill on the ground of uncertainty. Nothing could be more injurious to the trade, and this was shown by the evidence of more than one witness before the Foreign Markets Committee. The strongest argument against a market such as was proposed was the loss of meat likely to be occasioned in hot or oppressive weather. But already that loss was severely felt. At Aldershot, to which the cattle were taken alive and slaughtered, Mr. Baker, a contractor, lost £150 in a single day, being unable to get rid of the meat in time. The dread of disease from foreign cattle was one great cause of the high price of meat, and prices would be even higher if it were not for the large supplies obtained from Ireland—nine-tenths of the supplies received by this country during the last two years having come from Ireland. What the agriculturists, therefore, wanted was a market for the slaughter and quarantine of foreign cattle—with that they would be satisfied, and with nothing less.

Mr. DODSON hoped the debate would not be much further protracted, believing, as one who represented a constituency interested in keeping the cattle plague out of the country, that the Bill ought to be passed through its present stage and amended in Committee. The Bill appeared to be carefully drawn, and to possess capabilities of being converted into a good and comprehensive measure. It was a Bill the intentions of which were excellent; but, unfortunately, they were intentions only, and there was no security for their being carried into effect, reminding one of a place popularly said to be paved with good intentions. The Bill had, he considered, good elements, and he believed it could be converted into a measure that would give satisfaction to all parties. The right hon. Gentleman who introduced the Bill (Mr. W. E. Forster) informed the House that the Corporation of London were prepared to provide a market for foreign animals, and had also given them to understand that the Privy Council were fully alive to the dangers of the re-introduction of the cattle plague, but, unfortunately, these things were left to depend on the zeal of a corporation and the wisdom of a Privy Council. He wished to speak with all respect of both those public bodies; but, unfortunately, corporations were not always very zealous, and of Privy Councils the wisdom and energy were not always forthcoming at the right moment. He should like to see in the Bill clauses providing that the market should be provided by the Corporation with the least possible delay; that thereupon the cordon now drawn round the metropolis should be removed; and that under circumstances of danger reasonably apprehended the Privy Council should be bound to enforce its powers. The hon. Gentleman, in conclusion, suggested that Clause 58 should be extended so as to cover the case of stables infected with glanders, and that provisions should be introduced into the Bill enabling magistrates to punish masters, instead of servants, where the servant was sent out with an irregular license, or without any at all.

Mr. PELL said, it was too often forgotten that the restrictions complained of had been rendered necessary by the introduction of disease from abroad. Had disease not been so introduced those restrictions need never have existed. He thought it must be admitted that the regulations which applied to the London market were of a somewhat absurd character. It would not be for the benefit of the country that the healthy English cattle should be forced to go to the same market with the more than suspicious foreign cattle. The Cattle Plague Commissioners in their second Report stated that mere inspection was a very imperfect defence against disease, inasmuch as there were 5,000 or 10,000 cattle imported weekly, of which one-half at least were imported by the port of London. The only effectual precaution was to restrict the importation of foreign cattle to certain ports. There was ample business to render a water-side market successful, and the necessary buildings might be erected in a short period of time. The second part of the Bill, which had reference to home-bred cattle he entirely approved of, and he hoped that that part of the Bill would be carried out.

Mr. HEADLAM agreed that it was not desirable that any protracted discussion should take place on the present stage of the Bill, when no serious opposition was intended, and when the points in dispute were such as could only be dealt with in Committee. He foresaw that there would be a very wide difference between the hon. Members who represented the rural districts and those who supported the interest of the towns. If he took the view of some hon. Gentlemen opposite, that the English beasts were healthy while the foreign beasts were affected largely by disease, he would be prepared to prohibit the importation of the latter altogether. He, however, did not hold that view, because he believed that, as a rule, the foreign beasts were as healthy as those of this country. As a representative of the consuming interest, he could not assent to the proposal of hon. Members opposite that the importation of foreign cattle should be conducted under circumstances which would be fatal to importation altogether. He believed that the existing restrictions upon the importation of foreign cattle were diminishing the amount of the food of the people. The price of beef in the North of England was raised at the present time as high as 10*d.* a pound in consequence of these restrictions. They ought not to apply one rule to foreign cattle and a different one to home cattle. He was perfectly willing that the Government should have power to temporarily prohibit the importation of foreign cattle from suspected places; but he strongly objected to any permanent restrictions upon the trade like those suggested by hon. Members opposite.

Lord ROBERT MONTAGU said, that having already tried their strength with the Government upon this subject it was unadvisable to repeat the experiment upon this stage of the Bill, more especially as it had been decided that a deputation of persons of influence should wait upon the Prime Minister to ask him to give an impartial consideration to their views, and to endeavour, as far as possible, to meet them without infringing on the interests of others. The late Government were extremely anxious to relieve Cheshire from the hardship which had been inflicted on it by the loss of so large a number of cattle; but after repeated endeavours and careful considerathey had found it impossible to do so. The Bill under which compensation was given was the same as that which authorized the slaughter of cattle on the order of inspectors. Now, in Cheshire, as well as in Aberdeenshire, a very large number of cattle were slaughtered by the voluntary action of the owners; not by the orders of any inspector with legal authority. Moreover, there were no documents in existence to show the circumstances under which those cattle were slaughtered, or their number, or their value in money. How, then, could the Government determine what compensation should be given? He appealed to the right hon. Gentleman the Vice-President of the Privy Council to allow ten days or a fortnight to elapse between the second reading and the Committee on the Bill, in order that time might be afforded to the First Lord of the Treasury to consider the representations which gentlemen interested in this question intended to lay before him.

Mr. CHADWICK said, the Members for Cheshire were determined to oppose the measure unless justice were done to those who voluntarily slaughtered their cattle as the best means of stamping out the plague. The legislation on the subject of the cattle plague had been hasty and crude, and it had inflicted hardship on Macclesfield and other towns in which there were no quarter sessions. He protested against the exemption of boroughs with quarter sessions from the cattle plague rate. The cattle voluntarily slaughtered must be paid for out of the national rates, and he claimed that the Irish Cattle Plague Act should be applied to Cheshire.

Mr. J. HOWARD said, the measure before the House was one of great importance, both with regard to the agricultural interest and the British public, and he desired therefore to consider the subject apart from the bias or prejudice of party spirit. Referring to the remarks of the right hon. Member for Newcastle (Mr. Headlam), he reminded the House that the cattle of this country were liable to ravages by disease before the introduction of the rinderpest, and denied that the normal condition of the cattle of England and the Continent was the same. Until 1842 nothing was known in this country of pleuro-pneumonia. During the six years preceding 1861 we lost 65,000 head of cattle by that disease, and during the six years up to the period of the cattle plague we lost 960,000, or nearly 1,000,000 of cattle, by the same disease, whilst the whole of the imports during that period amounted to only about half that number. An eminent veterinary professor had stated that in 1862 alone £2,000,000 worth of cattle was lost by pleuro-pneumonia. He mentioned this to show that the Government had acted wisely in the interest of the British farmer and the consumer in legislating for "stamping out" foreign as well as home disease. Our dependence for our meat supply on foreigners was very small compared with our own production. The cattle of the United Kingdom amounted to 10,000,000, of which, including calves, 2,500,000 were slaughtered annually, giving about 650,000 tons of meat. There were about 35,000,000 of sheep and lambs, of which one-half were slaughtered, giving 450,000 tons of meat. In 1865 the estimated weight of meat imported from the Continent was 55,000 tons, less than 5 per cent of the consumption. It was clear, therefore, that an immense proportion of our meat was of home breeding, and it behoved the Government, therefore, to guard our own flocks and herds against disease by the introduction of foreign animals. Let this measure pass, and let there be separate water-side markets established, and the increase alone in the supply of home produced meat would soon more than double that of the whole supply sent us from abroad.

Mr. W. E. FORSTER said, in reply to the noble Lord the Member for Huntingdonshire (Lord Robert Montagu) that the Government had no intention of proceeding with the further consideration of the Bill at an earlier date than he had mentioned. Indeed, it would hardly be possible to bring it forward within a fortnight; but although there was a great dislike on both sides of the House to its being proceeded with in undue haste, an equally strong desire prevailed that there should be legislation on the subject during the present Session. Full time would, however, be given for its consideration by the country. The hon. Member for Suffolk (Mr. Corrance) seemed to have a false view of the intention of Government. He seemed to think that the Privy Council were anxious to obtain fresh powers, but this was by no means the case. Power had been actually forced upon the Privy Council during the last few years, as danger from diseases imported from abroad was more and more apprehended. The existing condition of affairs was not satisfactory to either side of the House, nor to scarcely any interest in the country. On the one hand, complaints were made by borough Members that the present restrictions on importation interfered with trade, and raised to some extent the price of meat; while, on the other hand, there was a strong expression of opinion on the part of the agricultural interest that the cordon put round London in order to prevent the spread of disease was a very great interference with their trade, and, as they considered, an unjust restriction. It was also felt that it was desirable to consolidate the laws on the subject, and to extend the restrictions to other diseases. Consequently, the present Bill was brought forward. The Privy Council felt that it was necessary to take powers sufficiently great to check diseases, but no more. It was no doubt true, as his hon. Friend the Member for Bedford (Mr. J. Howard) had stated, that, taking the whole country, the foreign importations bore a very small proportion to the home production of cattle; but, still, the proportion of foreign cattle was very great in the London market. In reply to the right hon. Member for Newcastle (Mr. Headlam), he might remark that unless the Government took the medium course of admitting cattle from certain countries on condition that they should be slaughtered at the port of debarkation, it would be necessary to prohibit the importation of a large number of cattle which might be advantageously brought into the country. He had carefully watched the debate, but had been unable to ascertain the precise difference between the views of the Government and those advocated by the representatives of the agricultural interests. He had failed to discover it was really thought that, instead of taking power to compel cattle from certain countries to be slaughtered at the port of debarkation, the Government ought to draw a hard and fast line, and insist that all foreign cattle—from whatever country they might come—should be slaughtered on landing. Unless hon. Gentlemen took that line he did not see how they could decline the propositions of the Government. Would they exclude the Spanish, the Danish, or the French cattle? France never had the disease except amongst a few yaks and zebras in the Bois de Boulogne. France was a great agricultural country, and yet the

French Government did not exclude foreign cattle. On the contrary, France, relying on precautions, was a large importer of cattle, principally from those countries which we sought to exclude. Some hon. Gentlemen insisted on separate markets; but it was easier to insist on separate markets than to get them. As regarded, however, the metropolis, the Corporation of London had undertaken to erect a market to meet the demands of the case, and he had no doubt that they would carry out their promise. The Government would be very glad to give full time for Amendments to be considered to the Bill, and proposed in Committee, but he did not believe, when it came to the point, that they would go much beyond what the Bill did. It was really an unpleasant thing, he might remark, for the Privy Council to have discretionary powers forced upon them. The responsibility was very heavy, and very little credit could be got, even if those powers were well used. What would happen if they tried to fence the power which was given to the Privy Council with conditions? Why, that the Government would get rid of the responsibility which would then fall on the House. He had heard one or two hon. Gentlemen ask, why should there be any uncertainty? The reason was because disease was uncertain and circumstances were fluctuating. The matter, therefore, came to this—Was the House, or was it not, to give any discretion? They could refuse to give discretion only by killing all the animals at the port of debarkation, for which public opinion was not ready, and by making separate markets, for which they had not funds. He would not detain the House any longer, but simply say that it was the desire of the Government that all these things should be debated in Committee, and that full time would be given for Amendments. As to compensation, the question divided itself into two parts, as regarded the past and the future. He wished it to be understood that hon. Members who assented to the second reading would not thereby be precluded from endeavouring to obtain what they might consider a better system of compensation for the past, as well as establishing sound principles for the future.

Sir GEORGE JENKINSON said, that what he believed the agriculturist wanted was compulsory slaughter at the ports of debarkation, and they did not believe that that would entail any possible loss to the consumer.

Question put, and *agreed to.*

Bill read a second time, and *committed* for *Thursday* 22nd April.

NEWSPAPERS, &c. BILL.

On Motion of Mr. Ayrton, Bill to repeal certain enactments relating to Newspapers, Pamphlets, and other Publications, and to Printers, Typefounders, and Reading Rooms, *ordered* to be brought in by Mr. Ayrton and Mr. Chancellor of the Exchequer.

Bill *presented,* and read the first time. [Bill 66.]

SUNDAY AND RAGGED SCHOOLS BILL.

On Motion of Mr. Charles Reed, Bill to exempt from rating Sunday and Ragged Schools for gratuitous instruction, *ordered* to be brought in by Mr. Charles Reed, Mr. Bazley, Mr. Graves, and Mr. M'Arthur.

Bill *presented,* and read the first time. [Bill 67.]

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Friday, 9th April, 1869.

MINUTES.]—Public Bills—*First Reading*—Colonial Offenders Removal * (46); Life Peerages (49); Representative Peers for Scotland and Ireland (50).

Report—Governor General of India * (42); East India Irrigation and Canal Company * (31).

Third Reading—Lord Napier's Salary * (37); Mutiny *; Marine Mutiny * and *passed.*

IRELAND—SALES OF TITHE RENT-CHARGE, ADVOWSONS, &c.

MOTION FOR RETURNS.

The Marquess of CLANRICARDE moved that there be laid before the House—

"1. Return of all sales of impropriate tithe rent-charge in the Landed Estate Court (Ireland) for the last ten years, in a tabular form, distinguishing the title of the proceeding in which each sale was had, the date of such sale, the annual amount, and the amount of the purchase money respectively of such tithe rent-charge, and stating the parish and county within which the same is payable:

"2. Return of all sales in the Landed Estate Court (Ireland) of advowsons for the last ten years, in a tabular form, distinguishing the county in which such advowson is situate, the age of the incumbent at the time of sale, the building charge (if any) on the glebe house, and the amount of the purchase money of such advowson:

"3. A copy of the particulars of the estimate of the amount of private endowments belonging to the Established Church in Ireland upon which the calculations of Her Majesty's Government respecting same have been formed:

"4. Return of the several district lunatic asylums in Ireland, and the amount levied in each county in Ireland during the year 1868 for or in respect of the original expense and the present maintenance of such asylums respectively, including any criminal lunatic asylums supported wholly or partially by local rates:

"5. Return of the names of the Presbyterian and Non-conforming and other Protestant dissenting churches and chapels in Ireland, the clergymen of which in the year 1868 received aid from the Regium Donum or other contribution from the State, together with the amount paid to each:

"6. Return of the amount paid in each of the last five years to the Royal College of Maynooth from the Consolidated Fund, distinguishing the amounts paid to professors from those paid to students or for the establishment; also of any expenditure incurred by the Board of Public Works in Ireland for maintenance of the buildings in each year since 1845."

The noble Marquess said, it was essential that these Returns should be in their Lordships' hands before they were asked to consider, or even understand, the measure which was pending in the House of Commons, and he believed there would be no difficulty in producing them, except, perhaps, with regard to the private endowments belonging to the Established Church. Those endowments were valued by the Government at £500,000, and probably this would turn out to be a very fair estimate. As to the tithe rent-charge, the landowners were asked to redeem it at twenty-two and a quarter years' purchase; but he believed sales of tithe rent-charge ordinarily produced only sixteen or eighteen years' purchase, and it was desirable that the actual market value should be ascertained. It was also very important to both the clergy and the laity to know what provisions there would be for the Church after it was disestablished and disendowed, in order that they might be guided to act according to circumstances. The information for which he asked as to the *Regium Donum* and Maynooth was requisite in order to judge what should properly be given.

Lord DUFFERIN said, there would be no objection on the part of Her Majesty's Government to grant the Returns, with the exception of that containing the particulars of the estimate of the amount of private endowments belonging to the Established Church in Ireland upon which the calculations of Her

Majesty's Government had been founded. Respecting that Return there would be great difficulty, and therefore he hoped it would not be pressed for. The Prime Minister, in addressing the House of Commons, had been very careful to state that the calculations of the Government in regard to private endowments were founded in many instances upon conjectural information. In the other Returns which the noble Marquess asked for accurate information could be obtained, and therefore the Government were willing to grant them; but, with regard to the Return relating to lunatics, he must request the noble Marquess to substitute the year 1867, the Government not having yet received the information for the year 1868.

Motion *agreed to*, except as to No. 3, with the substitution of 1867 for 1868 in No. 4.

LIFE PEERAGES BILL.

PRESENTED. FIRST READING.

Earl RUSSELL: My Lords, on rising to address your Lordships on the important subject of Life Peerages, I think the most convenient course to take will be that I should, in the first instance, refer to the state in which the question was left by the Resolution which was passed by your Lordships in 1856. The Resolution of this House of February, 1856, respecting the title of Lord Wensleydale to sit and vote as a Peer for life, moved by the late Lord Lyndhurst in a speech to which no one could listen without being charmed, is one which I do not seek to disturb, but I wish to state precisely what that Resolution decided. Your Lordships will remember that Lord Wensleydale had been created a Peer for life, that the patent of creation was submitted to a Committee of Privileges, and that they reported that in their opinion that patent did not entitle him to sit and vote in this House. That, I take it, is the exact extent of the Resolution to which your Lordships agreed. Nobody attempted to question the fitness of Lord Wensleydale to receive a peerage, and nobody positively affirmed that the Crown could not confer a peerage for life. The *dictum* of Lord Coke that the Crown could, by its Prerogative, create a peerage for life was adduced; and nobody could quote any legal authority for debarring the Crown from confering such peerages. The question, however, was raised whether, even supposing that Lord Wensleydale was entitled to all the other privileges of the peerage, he was entitled by that patent to sit and vote in this House, and Lord Lyndhurst contended that your Lordships had an undoubted right to determine whether the patent did so entitle him—because the peerage might, for example, be conferred on an alien, who by the law of the land could not sit and vote in Parliament. In saying so, I think Lord Lyndhurst stated a proposition that was unquestionable. But he went on to maintain that when the law of the land did not interpose any obstacle, your Lordships, by your own will, your own line of policy, could prevent a Peer from taking his seat. This was far more questionable. But Lord Lyndhurst urged, in confirmation of his proposition, that this House, in 1711, refused to admit a Scotch Peer, the Duke of Hamilton, who shortly after the union with Scotland was created Duke of Brandon, on the ground that the Crown had no power to grant a British dukedom to a Scotch Peer. That decision, as he pointed out, remained unchallenged for seventy years, and it tended to prove that this House had the right to judge whether a patent of peerage enabled the Peer so created by the Crown to sit and vote in this House. It is impossible, I think, to controvert that argument; for though the House decided in 1782 that the Resolution was void in law and overruled it, that did not affect the right of this House to decide whether any particular person was entitled to sit and vote in this House. It is, equally, I conceive, in the power of your Lordships, if you should see fit, to reverse the decision of 1856, and to decide that a person created a Peer for life may sit and vote in this House. But until your Lordships do reverse that decision, I hold that it is unquestionably the law of Parliament that a Peer created for life cannot sit and vote. The decision of 1856 has not been since questioned; but in the same year a most unfortunate attempt, as I think, was made to improve the appellate jurisdiction of this House, it being proposed to appoint two Law Lords as Deputy Speakers to assist the Lord Chancellor in hearing appeals, with a salary of £6,000 a year each. That proposition was attempted to be carried out by a Bill. The measure was much discussed in the House of Commons, and it was opposed by Sir James Graham, by Mr. Gladstone (the present First Lord of the Treasury), and also by me, and others. It seemed to me open to great objection; and, though it passed the second reading, it was laid aside in the month of July. Lord Palmerston, in the course of that debate, said:—

> "There can be no doubt that the House of Lords would derive great influence and consideration in the country, if there were the means of placing within its limits men who had distinguished themselves, either by their legal attainments or by great military or naval achievements, but who, not having that fortune which would enable them to transmit to their descendants the means adequately to maintain the dignity of the peerage, would be placed in an improper, and, to themselves, a painful, situation, by being made hereditary Peers."—[3 *Hansard*, cxliii. 609.]

Now, the Government of the day had not gone to the extent which Lord Palmerston shadowed forth of proposing to create peerages for men of great military or naval achievements, as well as for men of high legal attainments. Had they done so, I think their proceedings would have met with more favour in the House of Commons. Let me now call your Lordships' attention to the reasons given by Lord Lyndhurst on which the Resolution of 1856 was founded. I had the pleasure of listening to him at the time, and I remember that Lord Lyndhurst took his stand on what he justly called the constitutional principle of jealousy of the Crown, and on the fear that the power of creating Peers for life might be abused. A life peerage had been granted to Lord Wensleydale without any proposal or suggestion that the power should be limited, and it might therefore be urged that this House might be crowded with life Peers created with the view of obtaining a majority for the Ministry of the day. That fear, I think, was an exaggerated one, and the jealousy of the Crown, though a constitutional principle, was carried to too great a length. In reviewing the question, I wish, however, to steer clear of these objections that a great number of life Peers may be created, and that the independence of this House might be diminished or destroyed. I remember that Lord Lansdowne, in a conversation with me at the time, said the question of life peerages was one very fit to be entertained, but he thought that the number ought to be limited, and he had heard it suggested that there might be certain categories or classes to which the power of the Crown to create life peerages, as far as it gave a right to sit and vote in Parliament, should be confined. That certainly appears worthy of consideration, and I should wish carefully to avoid giving any power which would enable Ministers of the Crown to place an indefinite number of life Peers in this House. What I propose, therefore, is that the number of life Peers should not, at any one time, exceed twenty-eight, which is about the number of the Irish representative Peers and also of the English Bishops, who are Peers for life. Then, to avoid a creation to that extent in a single year, I propose that there should be a limitation that not more than four should be created in any one year. It would thus be, at least, seven years before the total number of these life Peers would be created; and, considering the changes which occur in the state of parties and Ministries, it is not likely that a single Administration would have the power of creating the whole number. It may be asked however, why have life Peers at all? Why not go on with the power of making hereditary Peers, which had existed for so long a period and has been so freely exercised? My reply to that is that in the course of time circumstances have very much changed, and that the Prerogative of the Crown does not and cannot act so beneficially as in former times. We know that in former times there were vast domains in the hands of the Crown, portions of which might be conferred on men who had distinguished themselves in the service of the State. Such men having perhaps entered on life with very small means, by receiving the bounty of the Crown, were enabled to maintain the dignity of the peerage. There are other instances of the same kind. It was not difficult in former times for persons who held the office of Chief Justice of the King's Bench, or other high judicial offices, to bestow very valuable appointments on their sons and near relations, and thus, as it were, to furnish dotations to the peerages which were created. Now those domains of the Crown are no longer bestowed on persons serving the Crown, and reforms have been made with regard to the patronage of the Chief Justices, the abolition of sinecures, and the suppression of the very valuable offices which were formerly attached to courts of law. I hold in my hand some extracts from a letter which was quoted by my noble Friend the present Secretary of the Colonies in the course of a very able speech which he made in 1856. It was addressed by Lord Eldon to a friend of his, and it contains at considerable length Lord Eldon's opinion as to the acceptance of a peerage. He was, at the time, Chief Justice of the Common Pleas, and his words are these—

> "When I came to the Common Pleas I had made some fortune in a successful practice at the bar and in the great law offices which I held nearly twelve years. Mr. Pitt was unwilling to give me an office which would take me out of Parliament. I could not be in it unless in the House of Lords, and I can assure you I have often thought that if I had survived the acceptance of the peerage but a short time I had accepted what would have been a nuisance to my family and no benefit to the public. Of our dear friend Lord A."—I suppose Lord Alvanley—"can anybody now say that it was a wise measure on his part to accept a peerage?"—[3 *Hansard*, cxl. 291.]

Lord Eldon goes on to narrate the circumstances connected with Lord Chief Justice Abbott, afterwards Lord Tenterden. Lord Tenterden never had much practice at the bar, he never had a silkgown, and never held any of the great Law Offices of the Crown; his health was tender, his eyesight was not in a very safe state, and had he been told he must accept a peerage Lord Eldon thinks he would have refused the Chief Justiceship. The services, therefore, of that eminent Judge might have been lost to the country on account of his inability on pecuniary grounds to accept an hereditary peerage. My general proposition is, as I have stated, that there shall only be twenty-eight life Peers. I now proceed to the various classes from which I propose that these twenty-eight Peers should be taken. I propose, in the first place, that Scotch or Irish Peers may be selected for peerages for life. My noble Friend on the cross-Benches (Earl Grey) is about to bring forward a proposal with respect to the election of Scotch and Irish Peers to seats in this House, and I am very glad he has undertaken that task; but I think, nevertheless, the Crown should have the power of selecting some of those Peers for life peerages. The rule, I have understood, used to be that the recommendation of the Government of the day was always taken in the election of those Peers; but if that was ever the case it has not been so of late years, and this year the people of Scotland have elected representatives to the other House in the proportion of fifty-two on one side to eight on the other; while the Scotch Peers have elected their representative Peers in the proportion of fifteen to one the other way. The predominance among the people has been one way, and the predominance among the Peers the other way. Now, this shows a very anomalous state of things. I remember, moreover, a Scotch Peer, who, I think, was one of the cleverest, one of the wittiest, and one of the readiest men I ever knew. He sat for a short time in the House of Commons; but, becoming a Scotch Peer, he was excluded from Parliament all the rest of his life. That is not a good state of things, and a remedy can be provided by the power I propose. The next class consists of persons who have sat for upwards of ten years in the House of Commons. Now, a great change has occurred with regard to that House. Formerly a Gentleman accepting a seat for a small borough attended to his duties in Parliament or not as his leisure permitted him, and he might retain his seat for many years without taking any active part in affairs. Now-a-days, however, a Member is obliged, by the call of his constituents, to attend constantly and to take part in all important divisions. It is not extraordinary, therefore, to find excellent Members of Parliament, men whose conduct is approved by all parties, most respected for their attainments and their conscientiousness, retiring from the House of Commons at an early period of life, because they feel their health and spirits unequal to the fatigue of regular attendance. I think, therefore, that the Crown might elect some of the life Peers from Gentlemen who have been for ten years Members of the House of Commons. Supposing a young man to enter the House of Commons at the age of twenty-one, he would at the age of thirty-one be qualified to accept a life peerage. The next class which I propose consists of officers of the army and navy eminent for distinguished services. I do not lay down any particular qualification, because very frequently there are men whose services to the country have been very valuable, who have been, perhaps, in command of troops in our colonies and have served for many years, and yet, not having had an opportunity of commanding in chief, have not been remarked for those distinguished services which enable the Crown to say—"Here is a man to whom a peerage should be granted, together with an annuity of £2,000 a year for two or three lives." I remember a very distinguished man to whom I thought the country owed the safety of one of its colonies, and who had performed distinguished services to the Crown. I informed him that it was Her Majesty's pleasure that a peerage should be conferred on him; but I saw that he doubted whether he could take it. He was about, as I thought, to refuse it, when I told him further that the Crown would send down a Message to Parliament to propose a grant of £2,000 a year for three lives; and he thereupon accepted the peerage. Now, it would have been a great misfortune if so eminent a man had been unable from the scantiness of his fortune to accept so deserved an honour. The pensions of £2,000 for three lives have been much less frequently granted of late years, and it would, therefore, be a great advantage to have life peerages conferred on eminent men of this class. It is easy, indeed, to say with regard to these men, and some of the other classes I am about to name, that they may enter the House of Commons. When, however, a man has spent many years of his life in the East or West Indies, or has been engaged in a laborious profession such as the law, and has got to be fifty years old, he hesitates to undertake a laborious course of service for the people in the House of Commons, and though he would be willing to accept a life peerage and take part in your Lordships' deliberations, he probably prefers retiring into private life and being unknown for the rest of his days to attempting the labours of the House of Commons which a body of constituents might feel inclined to exact from him, even if he could find a county or borough ready to accept his services. The next class I propose is that of persons who preside, or shall have presided, in any of the superior Courts of Law or Equity in England, Scotland, and Ireland, persons who have for a period of two years held the office of Puisne Judge in any of those courts and have retired from office, or persons who have held the office of Attorney General in England or Ireland, of Queen's Advocate, or Lord Advocate in Scotland, and have ceased to hold it. Such men, again, would be well qualified to sit in this House; they would bring here great powers of debate, as well as great experience as regards the appellate jurisdiction of this House. A noble and learned Lord (Lord Colonsay) who had held high judicial offices in Scotland was created an hereditary Peer a year or two ago, and no doubt you may now and then find a person ready to accept an hereditary peerage who has sat in one of the superior Courts of Common Law in Scotland, but such cases cannot be frequent, and since noble and learned Lords well qualified as regards other departments of the law are sometimes ignorant of the Scotch Law, it would clearly be of great advantage when Scotch appeals come on to have persons thoroughly acquainted not only with the general law of Scotland, but with the existing practice of the law, to assist your Lordships in deciding such cases. The next class of men are distinguished for their attainments in science, literature, or art. I remember in the history of the Revolution that Sir Isaac Newton was elected a Member of the House of Commons, which it appears to me was made more illustrious by having such a man one of its Members; but in 1690 there was a change of politics in the Universities, and he ceased to be a Member. Now it would strengthen the influence and character of this House if such illustrious men as Newton or Locke had seats among us. I now come to the last class—namely, persons who have been in the service of the Crown for not less than five years, and who, whether they have served in India, or the Colonies, or at home, have distinguished themselves by their talents and services, but who have no large fortune enabling them to go into a contest for a seat in the House of Commons, and who have no disposition to take part in party politics, but whose services to the Crown entitle them to some mark of special favour. I have now gone through the different classes of persons on whom I think life peerages might be conferred. This House would gain strength from having such Members, and I think it cannot be denied that the means which formerly existed of granting considerable fortunes to men of eminence who obtained a peerage from the domains of the Crown and from sinecures have ceased to exist. Some measure of the kind is, therefore, required, and by the plan I propose there would be no change in the constitution of this House. I believe there were at the beginning of the Session, including Bishops, 467 persons entitled to sit and vote in this House. Of these about seventy are Peers for life; and, supposing the numbers of the House increased by the course I propose, the proportion of life Peers would be only one-fifth, so that no alteration would be made in the general constitution of your Lordships' House. I do not think it desirable that such an alteration should be made, for I believe that the hereditary peerage is an institution which has the respect of the country. There is a respect in all countries attendant upon hereditary descent, and in no country is that respect more deep and general than in the United Kingdom. There are, however, some considerations which cannot fail to occur to your Lordships. It has been said by the most profound historian of antiquity that a Government composed of monarchy, aristocracy, and democracy could hardly exist, or that if it should exist it would not be durable. Notwithstanding, however, so high an authority, we have now experienced during 180 years the harmonious operation of a Constitution so composed—a Constitution in which monarchy and aristocracy are as necessary parts as democracy, and in which democracy is a not less necessary part than monarchy and aristocracy. To what do we owe the benefit and harmonious working of a Constitution, thought by so great an historian to be impossible? We owe it, I think, to the general temper and forbearance by which that part of the Constitution which was at the time the weakest has not entered into collision with the other parts, and thus harmony has been maintained. Now, it was obvious at the commencement of the last century that the House of Commons was acquiring great power, and that that power would enable it to become superior to the other branches of the Constitution. When Sir Robert Walpole was taunted with the charge of ambition, "Can I be accused of ambition," he retorted, "I who have refused the White

Staff with an earldom ?"—meaning that he might have been Lord High Treasurer and an Earl. But while disclaiming ambition, Sir Robert Walpole had the sagacity to perceive that the seat of power was then changing, and that as First Commissioner of the Treasury and Leader of the House of Commons he would be more powerful than if he gained a seat in the House of Lords. It is true that afterwards, at the moment of being driven from power, he accepted a peerage. But meeting his rival, the Earl of Bath, in this House, he said to him — "You and I, my Lord, are now two of the most insignificant fellows in the kingdom." Has the power of the House of Commons decreased since that time? On the contrary, the power of the House of Commons has greatly increased and especially as a consequence of the measure which the noble Earl opposite (the Earl of Derby) and I concurred in passing in 1832, and of the measures which the noble Earl passed in 1867 and 1868; the reason being that the constitution of that House was placed on a larger and a wider foundation. A gentleman who possesses a great knowledge of statistics has said that the members of the Liberal party had a majority of no more than 4,000,000. Well, a majority of 4,000,000 is no trifling majority, and it ought to be treated with the utmost deference and respect. I hope that the same hereditary constitution of your Lordships' House which now exists will continue to exist, that it will continue to be generally respected, and that the moderation and forbearance which the different parts of the Constitution—namely, the monarchy, the aristocracy, and the democracy—have shown towards one another hitherto will continue to exist. I am convinced that if the Bill which I shall have the honour of laying upon the table be adopted it will strengthen this House and not weaken it, that the hereditary principle will still be the main foundation of the House, and that the various parts of the House will act in unison and will tend to the consolidation of the Constitution.

Bill enabling Peers created for life, under certain limitations and restrictions to sit and vote in the House of Lords *presented*:—(*The Earl Russell.*)

The Marquess of SALISBURY: My Lords, I cannot allow the speech of the noble Earl (Earl Russell) to pass without some remarks from this side of the House, although I am aware that it is not consistent with the ordinary practice of your Lordships to enter into a debate on the principle on the first reading of a Bill. I only desire to thank the noble Earl for the speech which he has made, and for the Bill which he has laid on the table, believing, as I do, that the proposal he has brought forward is founded on a sound principle, and that if, in any way, it requires alteration, the alteration ought to be rather in the way of extension than of restriction. At the same time, I need hardly say that I concur most heartily in all the remarks made by the noble Earl with respect to the necessity of maintaining the hereditary character of this House; and if I should wish for any extension of the principle of the Bill of the noble Earl, it would not be an extension of the number of life Peers, whom he is desirous to introduce—for I think he has shown great judgment in the limitation which he has put on the whole number to be created, and also on the number to be created in each year. But, my Lords, if I do not find fault with the principle of the Bill, I would, nevertheless, say that the noble Earl has looked too much to one side of the object of extending the power of conferring peerages to the exclusion of the other. A peerage has a double function. It is a great honour conferred by the Crown, and it is also a membership of a political assembly. Now, in dealing with the peerage and the modes by which it is recruited, it is not only our duty to consider what classes of persons are most worthy to receive the honours which the Crown desires to bestow, but we must consider also how we can best strengthen and make permanent the political assembly in which we sit. Now, some of the categories of the noble Earl did not seem to me to be adapted for strengthening any political assembly. I do not myself see the advantage of introducing into this House persons who are simply distinguished for their position in science, or art, or literature, without any other qualification. No doubt they are persons who are worthy of all honour, and if, among the honours at the disposal of the Crown, there are none fit to be bestowed upon them, it is quite right that such a deficiency should be remedied. But I do not think they are persons who, however great their attainments, are as such particularly qualified to be members of a political assembly. They have not been trained, and their minds have not been exercised in politics, nor do they represent the great political classes in this country; and consequently they would not add to the strength of the House of Lords as a political assembly. Something, though not so much, of the same objection applies to limiting the creation of life peerages too exclusively to the two services. In the first place, I doubt whether we want more representatives of the two services in the House. We have already many distinguished officers in the House, and military merit is a kind of merit which so promptly attracts the recognition of the Crown and of the people that all the distinguished soldiers of the day will find their way into the House of Lords in the ordinary manner. At no time in our history—as far as I am aware—has this House suffered from a want of representation of the military element. Therefore, in dealing with the restriction of the number of life peerages, I should be sorry to see any large proportion of them devoted to representation of that kind. This is, of course, a very delicate matter even for the noble Earl, who has had so much experience, to take up, but it is very much more difficult for a young Member like myself; it appears to me, however, that the deficiency which may be recognized in the constitution of the House of Lords has been imprinted on it by the lapse of time, and does not belong to its original constitution. That deficiency consists in this—that we want a larger infusion from those large classes among whom is to be found so much of the wealth and power of the country. We belong too much to one class, and the consequence is that with respect to a large number of questions we are all too much of one mind. Now, that is a fact which appears to me to be injurious to the character of the House as a political assembly in two ways. The House of Lords, though not an elective, is strictly a representative assembly, and it does, in point of fact, represent very large classes in the country. But if you wish this representation to be effective, you must take care that it is sufficiently wide, and it is undoubtedly true that, for one reason or another, those classes whose wealth and power depend on commerce and mercantile industry do not find their representation in this House so large or so adequate as do those whose wealth and power depend upon the agricultural interest and landed property. We have, indeed, a certain number of mercantile representatives in this House. They are admirable in every way, and I confess that if it were possible to increase their number the House would be a large gainer by the change. And it would be a gainer also in another way. We want, if possible, more representation of diverse views and more antagonism. On certain subjects, it is true, we have antagonism enough—on Church subjects, for instance, and on the interesting question as to who should occupy the Benches opposite. But there are a vast number of social questions deeply interesting to the people of this country, especially questions having reference to the health and moral condition of the people—and on which many Members of your Lordships' House are capable of throwing great light, and yet these subjects are not closely investigated here because the fighting power is wanting and the debates cannot be sustained. Now, if it were possible that the machinery proposed by the noble Earl could be to any extent effective to correct this evil, the advantage to the deliberations of your Lordships' House would be very great indeed; and it was in that sense that I said I should like to see the propositions of the noble Earl carried further. I do not wish to see life Peers more numerous, but I should like to see the choice of them somewhat more unfettered than the noble Earl proposes. I must apologize for having made these remarks; but I only wished to thank the noble Earl for bringing in the Bill, and to express my hearty concurrence with him in believing that it will tend to meet all the large advances of democracy as the third power of the State, as we must meet those advances, by making this House strong in the support of public opinion, strong in its influence with the country, and strong in the character and ability of those who compose it—strong in its relation to the other powers of the Constitution. We must try to impress on the country the fact that, because we are not an elective House, we are not a bit the less a representative House; and not until the constitution of the House plainly reveals that fact shall we be able to retain permanently, in face of the advances of the House of Commons, the ancient privileges and constitution of this House. I feel that the question is an important one, and I am the more anxious to say a few words upon it, because I differ in opinion from those with whom I ordinarily concur. The future of the House of Lords is one of great hope as regards its stability, and the wisdom of your Lordships at this particular crisis of time in dealing with its constitution will decide how far the power of this House shall remain intact, or how far it shall sink before the advancing power of the House of Commons.

Lord CAIRNS: My Lords, I agree with my noble Friend who has just sat down that the question which has been brought under your Lordships' consideration to-night is one of the most important which can occupy your Lordships' attention. Upon a question so important I should have expected that Her Majesty's Government would have formed and been able to express some opinion to your Lordships. As, however, no Member of Her Majesty's Government has risen to express any opinion on the subject, I venture, before the conversation closes, to make a very few remarks on what has fallen from the noble Earl (Earl Russell). It would, my Lords, be entirely out of place now to say anything by way of criticism on the details of a measure which we have not yet had an opportunity of considering in the shape of a Bill. But there is one question which I cannot help thinking your Lordships will find it convenient to ask yourselves, and to answer, in considering a measure of this description. And I own I was somewhat disappointed that, following as well as I could the speech of the noble Earl, he did not appear to me to have proposed that question to himself or to have assisted us to a satisfactory reply. That question is—What is the precise object and aim you have in view in proposing a measure of this kind? It seems to me that there are three separate objects which have in a somewhat vague way been referred to by the noble Earl and by my noble Friend who has just sat down (the Marquess of Salisbury); and yet the opinion which I at least should form on a proposal of this nature would be very different according to which of those three objects you select and fix upon as the particular object of the measure. One of those objects would be in order to supply the Crown with the opportunity of affording to those who have distinguished themselves in the military or the naval service of the country—or, I might add, in the diplomatic service—a reward in a form more suitable to their wishes than that which the Crown is able at present to offer them—I mean a peerage limited to their lives rather than an hereditary peerage. That would be one object. The second object would be this—in order to increase what I may, for brevity, term the judicial strength of your Lordships' House in disposing of the business that comes before them for decision. Those two objects are very simple and very plain. But there is a third object, which was referred to by my noble Friend who has just sat down, and which is of an essentially different character from either of the others. I mean the object of altering the entire composition of this House, and making this House what my noble Friend termed more of a representative body than at present he deems it. Let me say one word with regard to these different objects; and I do so not at all professing that on so short a discussion any definite opinion ought to be formed or expressed at this moment. I agree that there is weight in the argument which says that there are, there have been, and there may be again, persons in this country who have deserved well of the country by their military and naval achievements, and to whom the gift of an hereditary peerage may be an encumbrance rather than advantage; and it may be very fitting that the Crown should be supplied with means—which, after the decision of your Lordships it cannot have, as amply and fully as might be desired—to enable them to take seats and vote in this House. From what was said to-night, and what has been often said before in this House, I cannot help thinking that upon that there would be very considerable agreement among your Lordships. But, on the other hand, I think it must be obvious that, for the purpose of making the peerage a reward of distinguished service, the number of life peerages mentioned by the noble Earl goes beyond what the occasion requires. We are fortunate in this country in having distinguished men who have deserved well of the country; but I do not think it would be unsafe to say that there is no need of the Crown being provided with the means of conferring such rewards to a greater extent than one peerage in a year. Therefore, so far as concerns supplying the Crown with the means of bestowing rewards for distinguished services, every one I suppose would admit that the power of creating ten or twelve peerages to take effect at the rate of about one in each year, would be ample for the purpose in view. As to the second object, that of strengthening the judicial power for the exercise of the appellate jurisdiction of this House, all that I will say is this, that if that be the object of the noble Earl, I venture to think it ought to be dealt with in a very different way from that which he proposes. It should be dealt with upon a full consideration of what the appellate jurisdiction of this House requires, and of the strength which at the present moment it possesses. I believe it will be found that there never was a time when, from various circumstances, this House was in possession of greater strength for the discharge of its appellate functions than it is at the present moment; and I think it would be impossible to consider that question without at the same time considering the changes which will in all probability before long be made with reference to the other appellate courts of this country—the whole of that subject being now under the consideration of a Royal Commission. I pass, then, from these two objects, merely observing that if the ends sought are simply to confer rewards for distinguished services, or even to add to the judicial strength of this House, the number of life Peers proposed by the noble Earl is much greater than is required. But now I come to the third object, the change which my noble Friend (the Marquess of Salisbury) desires to see effected in the composition of this House, in order, as he says, to make it more of a representative assembly than it is at present, and for the purpose of producing that greater opposition, that greater pugnacity, which he wishes to see prevailing in this House, and which he thinks could be accomplished in this way. I beg, my Lords, to say, if that be the object in view, it will be incumbent on those who desire to see it attained to explain how it is that the composition of this House would become more representative in its character by power being given to the Government of the day to name annually for life four additional Members of the House. My noble Friend who wishes to see this object attained himself admitted that it would not be attained by selecting Members merely because they had sat for ten years in the House of Commons, or by selecting them merely because they happened to be Irish or Scotch Peers. The effect would be this — The Government of the day would have the absolute power of naming these persons; and if they had such a power of selecting men whom they supposed to be most eminent in science, literature, or art, or who might have sat for ten years in the other House of Parliament, I ask would there be any security that your Lordships' House would in any way become more of a representative Assembly than it was before? But I venture to take exception altogether to the view which has been expressed on that subject. I say, if you desire to make this House a representative Assembly, you desire to make it different from that which by the Constitution it is and always has been. You must make up your minds to choose between two things—either you must have the House of Lords that which, according to the Constitution of this country, it ever has been, an hereditary assembly —you must have it in the main an hereditary assembly still, with that consequence which, I am happy to say, has always flowed from its constitution—namely, that by additions made to it from time to time it has obtained not a direct, but an indirect, and yet a true representative character, inasmuch as it represents the different phases of opinion which exist throughout the country; or, if you are not satisfied with that, it is not by the paltry measure of adding four life Peers in a year to its numbers that you will give a representative constitution to this House. I trust, therefore, that at a future stage of this measure further discussion will be given to this question — whether we desire to obtain the means of rewarding those whose merits demand or are entitled to reward, or whether the object is to change the constitution of this House and turn it into a representative Assembly through the medium of allowing the Government of the day—in addition to their present power of advising the Crown to create hereditary Peers — to advise the Crown also to appoint four life Peers in a year to sit and vote in this House.

Earl GRANVILLE: My Lords, although I had no intention to rise, I am not sorry to have been called up by the noble and learned Lord to say how much I have been struck — and I cannot help thinking that your Lordships must also have been much struck — by the difference both in substance and in tone between the speeches of the two noble Lords who have followed my noble Friend who opened this discussion. It was impossible for us not to listen with the greatest interest to the speech of the noble Marquess (the Marquess of Salisbury), seeing the ground he took up in reference to the Bill of my noble Friend. It was peculiarly gratifying to many who sit on this side of the House and who are deeply committed to the principle of life peerages to hear the assent which the noble Marquess gave to the general principle of the Bill now laid upon the table. But during the whole course of that speech there was entire freedom from any party feeling, his only object appearing to be to consider what was best—and, I may add, best in the most truly Conservative sense—for the honour and the just influence of this House. The speech of the noble and learned Lord (Lord Cairns), however, was in strong contrast to that of the noble Marquess. In the very first sentence of his remarks he complained against Her Majesty's Government for not having at once given an opinion on this Bill at its first reading, when we have not had it before us, and when it is obviously most important that the Government should have time for very carefully considering it before expressing a definite opinion upon it. I may mention—for on doing so I violate no confidence—that I consulted with my noble Friend (Earl Russell) after he had intimated his general intention of bringing in this measure, as to whether he would prefer that it should be done in concert with the Government, or whether he thought it would be better to introduce it in his individual character, and I believe he judged rightly in thinking it would be better for him not to act in concert with the Government in order to avoid giving to this measure any appearance of a party character. My Lords, both of the speeches to which I have referred—so different in tone and in substance—produced in my mind a feeling that, if there be any danger in the proposal of my noble Friend, it arises rather from its being too limited in its operation than otherwise. With regard to the question of numbers, I must say that when it is objected that four life Peers would be too many to be admitted in one year, I think that is just one of those things which must depend upon circumstances. The noble and learned Lord reckons that there is one person in a year on whom such an honour as a life peerage might be conferred. I do not know whether his statistics are correct; but it is quite clear, on the one hand, that there might not for several years be a necessity for bestowing a reward of this kind; while, on the other hand, there might occur several deaths among the Law Lords, or there might in any year be several men of great naval, military, or professional distinction whom your Lordships would think it desirable to have among you, and whom you would regret to see excluded owing to circumstances which rendered them unwilling to accept an herditary peerage. I cannot think it would be right for me on this occasion to go further than to say on the part of the Government that we are in favour of the general principle of life peerages; and I believe there is not one of us who does not deeply regret the vote come to by this House, I think in 1856, when the case of the Wensleydale peerage was before it. I have only further to add that Her Majesty's Government will be prepared to give a careful consideration to this Bill and to express their opinion upon it at a future stage.

Earl STANHOPE said he thought their Lordships would be hardly disposed to agree with the noble Earl who had just sat down (Earl Granville) in his concluding remarks with respect to the course taken by their Lordships upon the question of the Wensleydale peerage. For himself he could say that subsequent experience and reflection had convinced him that their Lordships were most fully justified in the course which they took upon that occasion. He maintained that the proposal which was made in the case of the Wensleydale peerage was altogether different from that which had been submitted that night by the noble Earl (Earl Russell). The principle involved in the Wensleydale case was this—that the Crown might have power to create life peerages without limitation of numbers or regard to qualification. He (Earl Stanhope) said then and he repeated now that such a power would be fatal to the honour and independence of their Lordships' House. It would enable the Government of the day, on any question upon which political excitement might arise, to fill the House with nominees, undistinguished by any particular merits, for the purpose of carrying particular measures. But the evil would not stop there; for whenever one Government ceased to hold Office their successors would have a pretext for pursuing a similar course, and filling the House with nominees of an opposite complexion, in order to over-rule the majority that had been previously created, and the consequence must be that the House, instead of the proud and independent position which it now held, would become a mere shuttlecock between contending parties. For this reason he dissented entirely from the concluding remarks of the noble Earl the Secretary for the Colonies. He would further say that for himself he did not repent of the vote which he gave in 1856, and he felt that their Lordships had no reason to repent of the decision to which they had come on that occasion. But in reflecting on the subject, he had certainly arrived at the conclusion that, although the unlimited creation of life peerages would be fatal to the independence and dignity of their Lordships' House, yet that a limited number of such Peers might be added to their Lordships, whose presence would be an ornament and an advantage. And here again he was not in unison with the noble Earl the Secretary of State for the Colonies, who had objected to the limitation.

Earl GRANVILLE: I beg the noble Earl's pardon; I did not object to a limit. I merely said that if any objection was to be taken, it was rather with respect to the extent of the proposed limitation than otherwise.

Earl STANHOPE said, he had misunderstood the noble Earl; but had he not argued that there might be so many cases of merit in the military and naval services, and so much need for legal assistance in that House, that in one year many more than four new creations might be required, though in another there might be fewer? What object could there possibly be in urging that point at all if the limitation was approved? But reverting to what he had said—he would repeat that he looked upon limitation as absolutely essential; and he conceived that this limitation must be of two kinds—first, as to the total number of life peerages, and secondly, as to the number that might be created in any one year. In taking that view he held that the number proposed by the noble Earl opposite (Earl Russell) was somewhat larger than there was occasion for. He should have thought that three life peerages in one year ought not to be exceeded. Their Lordships must remember that besides the life Peers, there would be hereditary Peers also; and the numbers not of one class only but of both would have to be considered. Then he took exception to some of the classes to which, as he understood, the noble Earl proposed to extend the privilege of life peerage. What reason, for example, could be alleged for placing Irish and Scotch Peers as one of these classes? All the other classes assumed some sort of merit or service, but there was no merit or service in being an Irish or Scotch Peer. However, this was not the time to discuss the matter fully. They would be in a much better position to do so when they had seen the Bill. There was one point, however, which he desired to notice, and upon which he was at issue with the noble Marquess near him (the Marquess of Salisbury). He could not desire that their Lordships' House should have any thing of a more strictly representative character, and he quite agreed in what had been said by his noble and learned Friend (Lord Cairns) if they were called upon to decide between the general constitution of the House as it existed upon the hereditary principle and the representative character which the noble Marquess desired to give it. On the whole, he thought the noble Earl opposite had brought forward his measure in a most temperate and judicious spirit, with an entire absence of party feeling, and it was in the same spirit he trusted the measure would be entertained by their Lordships. He did not wish to pledge himself to a Bill that he had not seen; but he had no hesitation in saying that he rejoiced that an opportunity would be given to their Lordships to express an opinion on the question of life peerages under circumstances more likely to recommend it than those under which it had been brought forward on former occasions.

LORD COLCHESTER expressed his repugnance to any measure for the creation of life peerages which might interfere in any way with the hereditary character of their Lordships' House. He admitted, however, that he saw a great difference between such a measure and the Bill which the noble Earl had proposed for consideration. When the Bill had reached another stage he hoped they would obtain from the noble Earl some clear definition of the claims and kind of merit which were to make persons eligible for the distinction of a life peerage. The Bill was one of great importance, and he hoped that at its next stage their Lordships' would give the measure careful examination.

EARL RUSSELL expressed his gratification at the favourable reception given to the measure by those noble Lords who had taken part in the discussion, and the desire they had evinced not to consider it in any party spirit. With regard to any alteration in the character of the constitution of their Lordships' House, he thought he had shown by the advice he had thought it his duty to give to the Crown when he had the honour to hold the Office of First Lord of the Treasury that he approved the selection of persons engaged in trade, if of sufficient wealth and eminent merit, for hereditary peerages. So far he agreed with the noble Marquess. The Irish Peers appeared to him always to have enjoyed a privilege which had been denied others, and one of the most prominent was their power to sit in the House of Commons. Two Irish Peers, since the Union, became Leaders of the House of Commons. Lord Castlereagh was still Leader of the House after he became Marquess of Londonderry, and the case of Lord Palmerston was well known.

Bill read 1ª; to be *printed;* and to be read 2ª on *Tuesday* the 27th *Instant.* (No. 49.)

REPRESENTATIVE PEERS FOR SCOTLAND AND IRELAND BILL.

PRESENTED. FIRST READING.

EARL GREY: My Lords, during many years the manner of electing Representative Peers for Scotland and Ireland in this House has been a subject of great complaint, on account of its giving to one party a complete monopoly of the representation. And in the case of Scotland the further grievance exists that not only does that one party choose the whole sixteen who shall be returned, but it has power to dismiss any one of these Peers if he should offend them by giving an independent vote. I believe that of late years an understanding has existed among the Scotch Peers that a Peer once placed on the list, he shall not be removed from it except for some special and strong reason; but such was not the case formerly. A Peer who gave an independent vote, displeasing to the majority, was sure to be rejected at the next election; and as, from various circumstances, the Crown was enabled to command the votes of a large proportion of the Scotch Peers, the Government for the time habitually nominated these Scotch Peers, and thus exercised great influence in this House; indeed, at about the middle of the last century it was notorious that the sixteen Scotch Peers might be counted on to vote with the Government. No doubt it was an advantage in one sense, because it is always desirable that the Government should possess considerable weight in both Houses of Parliament; but even this incidental advantage no longer arises from the objectionable mode of electing the Representative Peers; because during the greater part of the last half-century the Government of the day has generally been found with the Representative Peers entirely opposed to them. This state of things has attracted considerable notice out-of-doors, and we learn from the Votes of the House of Commons that a proposal has been made in that House to remedy some of the defects in the system of electing Scotch and Irish Peers. The first Minister of the Crown is reported to have expressed an opinion that the grievance it was sought to remedy was a real one, but thought this House was a proper place for originating the remedy. That opinion having been expressed, I certainly expected some of the right hon. gentleman's Colleagues in this House would have undertaken to deal with the question; and it was only because I was assured the Government was not likely to undertake the task that I ventured to enter upon it myself and submit a Bill to your Lordships. In the first place, then, my Lords, I propose, by this Bill, to place the Scotch Representative Peers upon the same footing as the Irish Representative Peers with respect to the duration of their legislative existence—that is to say, the Bill provides that they shall be elected for life, and not for a single Parliament. I can hardly doubt that it must have been from experiencing the great evils resulting from the practice of electing for the Parliament alone that Mr. Pitt, in bringing forward his measure for the Union with Ireland, wisely resolved to have the Irish Peers elected for life. I also propose that those Peers elected for life shall have the power, if they think fit, to resign their seats; at present I believe no such power exists in the case of Peers of either Scotland or Ireland. And I think we should go a little further than this, and say that any Peer who habitually absents himself from this House without some sufficient cause should be considered as having resigned his seat.

Lord CHELMSFORD: Is that to be confined to the Scotch Peers?

Earl GREY: Your Lordships will perceive that if a British Peer does not attend it makes no difference—that is to say, his absence affects only himself; but in the case of the Scotch Peers habitual absence reduces the number of Scotch Representative Peers, and makes them too few. I would suggest that a Representative Peer who shall absent himself for two consecutive Sessions without leave of the House should be deemed to have resigned his seat. I further propose that the Peers of Scotland, instead of being sixteen, should be not less than sixteen, and not more than eighteen; and, in the same manner, the Irish Peers, instead of being twenty-eight, should be not less than twenty-eight, and not more than thirty. I propose this with a view of introducing the further provision that no election for a representative Peer of either Scotland or Ireland should occur until the number of those Peers shall have fallen by death or resignation below sixteen or twenty-eight respectively. Whenever the number of Peers shall have fallen below the present established number of Peers for the two countries, then a Writ shall issue for the election of three Peers; so that, whenever the Scotch Peers shall fall below sixteen, or the Irish below twenty-eight, the Peers shall be summoned and shall be directed to choose three Peers, thus bringing up the number at the time to eighteen or to thirty; and, in the choice of those three Peers, the Bill provides that every Peer shall have the privilege of giving three votes, which it shall be in his power either to give in favour of a single Peer or to divide between two or three Peers, according to his discretion. The object of that is to insure that every shade of opinion shall have fair representation in this House. It is not precisely the representation of a minority, because there may be two or three shades of opinion to represent. Such are the simple provisions of the Bill I have now to lay on your Lordships' table, and which I trust will receive your Lordships' support at the next stage, which I purpose taking on the same day as is fixed for the second reading of the Bill of the noble Earl (Earl Russell).

Bill to amend the Law relating to the Election of Representative Peers for Scotland and Ireland *presented*.—(*The Earl Grey*).

The Marquess of CLANRICARDE said, he was rejoiced that the subject had been taken in hand, and he would only offer one suggestion, which was that those who sat in that House as English Peers, and who were also Irish Peers, should not vote in the election of Representative Peers. He hoped the noble Earl would consider the propriety of introducing a provision to give effect to that suggestion.

Bill read 1ª; to be *printed;* and to be read 2ª on *Tuesday*, the 27th *Instant.* (No. 50).

House adjourned at a Quarter past Seven o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 9*th April*, 1869.

MINUTES.]—New Writ Issued—*For* Sussex (Western Division), *v.* the Hon. Henry Wyndham, called up to the House of Peers.

Supply—*considered in Committee*—On Account of Civil Service.

Ways and Means—*Resolutions* [April 8] *reported.*

PUBLIC BILLS—*Ordered—First Reading*—Trades Unions, &c.* [68]; Post Office Savings Banks* [69]; Government Annuities, &c.* [70].
Considered as amended—Sea Birds Preservation * [59].
Third Reading—Inclosure of Lands [31], *debate adjourned.*

POLICE INTERFERENCE.—QUESTION.

MR. EATON said, in the absence of his noble Friend Lord George Lennox, he would beg to ask the Secretary of State for the Home Department, Whether it is true that on Monday 29th March a person named Macdonald, who was engaged in his occupation of delivering Treasury circulars to the Members of the House, was stopped by a policeman at the corner of Stratton Street, in Piccadilly, and called upon to state his name and address; whether, on his declining to do so, he was seized by the constable on a charge of "loitering," and taken through the streets to the police station, where he was detained for some time, until the officers on duty could verify his account of himself; whether any report on the occurrence had been made by the officials which explained the action of the police; and, whether the instructions issued to the police authorities, authorizing such conduct, can be laid before the House?

MR. BRUCE: Sir, the account I have received of this affair is as follows:—About eight o'clock on the evening of March 29, a police sergeant observed a man standing in Stratton Street, Piccadilly. He afterwards moved stealthily on towards a doorway, stood at that door for some short time, went away without waiting for the door to be opened, and passed on as if wishing to avoid the policeman. The man's conduct being thus, in the opinion of the police sergeant, suspicious, the latter, as he says, asked him very civilly what his name was and what he was doing, but received a very rude answer. Thereupon the police sergeant told him that it was his duty when he observed people loitering in the streets under suspicious circumstances to ask their names, and if no satisfactory answer was given, to take them into custody. As the man still refused his name he was accordingly taken into custody and removed to a police station, where he gave an explanation, and was released after being detained thirty-five minutes. Now, the police sergeant acted under the authority, not of any rule or order given by the Commissioner of Police, but under the authority of the Metropolitan Police Act of 1839 (2 & 3 *Vic. c.* 47), the 64th section of which enacts—

> "It shall be lawful for any constable belonging to the metropolitan police to take into custody without a warrant [among other suspicious persons] all persons whom he shall find between sunset and the hour of eight in the morning lying or loitering in any highway, yard, or other place, and not giving a satisfactory account of themselves."

This Act has been enforced for some thirty years. It confers, no doubt, very large and somewhat formidable powers on the police, and it is to their credit that during these thirty years very few cases appear to have occurred where they have exercised this discretion injudiciously. It so happens that on that very night, under the authority of the Act, three persons were taken up, who turned out to be notorious thieves, and have since been committed to gaol. There is no doubt that in this case a mistake was committed, partly from the fault of the man himself, who might have relieved himself from all suspicion by saying who he was; and it seems only fair that when the police have a very difficult duty to perform they should have some assistance, so as to execute their duty.

INDIA—FINANCE.—QUESTION.

MR. MITCHELL said, he wished to ask the Under Secretary of State for India, Whether, the Indian Government having inserted in its Budget for 1869-70 an Item for disbursements in India of £8,400,000 as "bills drawn by the Secretary of State for India," it is the intention of the Home Government to carry out the notice so given, all such drafts having been discontinued since the 16th of December last; and, if so, when?

MR. GRANT DUFF, in reply, said, it was their intention to carry out the notice and to re-commence drawing at an early date. The precise day was not yet fixed, but it would be duly announced.

THE FINANCIAL STATEMENT—ASSESSED TAXES.—QUESTION.

MR. BARNETT said, he wished to ask a Question arising out of the Financial Statement of the Chancellor of the Exchequer upon a point which had given rise to considerable misapprehension. The Question was, Whether the Papers now issued for the Assessment for the year 1870 on Articles kept between April, 1868-9, are to be filled up as issued; if so, whether the whole amount now assessed was to be levied, and at what period; and when the happy period would arrive at which we should be exempt for nine months from any payment of Assessed Taxes?

Mr. AYRTON said, in reply, that the Resolutions proposed by the Chancellor of the Exchequer would be considered in Committee of Ways and Means on Monday, and that would be a convenient opportunity for any hon. Member to ask for an explanation.

THE FINANCIAL STATEMENT—THE CORN DUTY.—QUESTION.

Mr. MACFIE said, he had received a telegram asking whether the Corn Duty was not to be remitted at once; he would, therefore, beg to ask the First Lord of the Treasury, If he would answer that Question?

Mr. GLADSTONE: Sir, inasmuch as there must be some delay before the House can pass judgment upon the Bill to be introduced for altering the time for the collection of certain taxes, I conceived that it was understood in Committee of Ways and Means that it might be for the convenience of all parties that we should take in the meantime the preliminary stages upon the other Resolutions relating to the reduction and remission of duty; but it was also distinctly stated that if we asked that these stages should be gone through, it was on the understanding that no such Votes should be considered as decisive, and that substantially the judgment of the House should only be taken after it had had an opportunity of considering the Bill for the collection of taxes on which these remissions depend. It is, therefore, obvious that the payment of duty on corn cannot be dispensed with until we reach that stage in the financial measures of the Government when the substantial judgment of the House can be given respecting them. It is right that this should be clearly understood out-of-doors. Although the common, but not the invariable practice, has been that remissions of Customs duty should be carried into effect immediately, it is clear that this course cannot be taken in the present instance until the House have definitely decided that the corn duty should be abandoned.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

CIVIL AND DIPLOMATIC APPOINTMENTS.—RESOLUTION.

Mr. FAWCETT said, the question he should raise by the Motion which he was about to make, was whether appointments in the Civil and Diplomatic Services should be obtained by personal favouritism and political patronage, or by merit and moral worth. This was no party question, for eminent men on both sides of the House supported the principle of open competition. In 1853, a Commission, on which the right hon. Baronet the Member for North Devon (Sir Stafford Northcote) and Sir Charles Trevelyan served, reported unreservedly in its favour, and the system of open competition was admitted on all hands to have been eminently successful. A few years after the Report of the Commission a Select Committee of that House was appointed to inquire into the subject. It was presided over by the noble Lord the Member for King's Lynn (Lord Stanley), and the whole tone of their Report, and of the evidence was in favour of open competition. It was true that the Committee did not recommend the immediate adoption of that system, because they thought that it had not had sufficient trial, and that its adoption would give too rude a shock to political patronage. Since then ten years had elapsed, and experience conclusive in favour of open competition had been obtained; and, as for political patronage, he did not think that any precious principle worth preserving was involved in that matter. The exercise of political patronage was a source of general corruption. It might be said that there now existed a system of qualified competition, as when an appointment was vacant it was usual for two or three persons to be nominated, and the best of them to be selected by competition for the appointment. That new system, however, was just one of those compromises which created as much mischief as it destroyed. It took away that Ministerial responsibility for bad appointments which was the defence of the old system, because if a bad appointment were made under it the fault might be thrown on the system of examination. There was, moreover, in the new system a peculiar uncertainty which had an unfavourable operation. In the case of an office becoming vacant, men far below the average might be nominated for examination, and thus a person of low attainments might get the appointment; while in another case men might be nominated far above the average, so that it would happen that the man who succeeded in the first case was inferior in point of attainments to the man who failed in the second case. These things tended to create an impression, however unjustly, that a great amount of unfairness prevailed in making the appointments. It might be said that the present system secured a certain average of intellectual attainments, because everyone was obliged to pass a fixed test examination; but a fixed test examination was comparatively useless. The Chancellor of the Exchequer had said that competitive examination always maintained itself, but that a fixed test examination had a considerable inclination to be degraded; because, if a man failed in a test examination, an agitation was always raised by his friends, who alleged that the examination was too hard, but no one who failed in an open competitive examination could complain because some other person was found to possess greater intellectual attainments. A test examination, too, did not get rid of political patronage, but was, on the contrary, based on political patronage. Those who had read the Report of the Committee to which he had alluded could entertain no doubt as to the practicability of carrying out the system of open examination; and, if it were thought that too many youths might apply to be examined, there would be no difficulty in sifting them, and reducing the number for open competition by a preliminary test examination. By the payment of a small fee the system might be made self-supporting, and there would be no difficulty in obtaining the most eminent men to conduct the examinations. It was sometimes said that competitive examination was not a conclusive intellectual test. If properly conducted it would be so; and, as the noble Lord the Member for King's Lynn (Lord Stanley) stated at Glasgow, it would, if well managed, have the effect of detecting the imposture of half-knowledge. It was not necessary for him to maintain that it was an infallible test. He needed only to prove that it was an accurate test in the great majority of cases, and the best and available test. No one could deny that the men at Oxford and Cambridge Universities who passed the examination in the first class were better than those who passed the examination in the second, and that the men in the second class were better than the men in the third. The choice lay between a competitive examination and political patronage. He had already stated that political patronage was a source of corruption which permeated into our electoral system. A Member of the House of Commons was applied to by one of his constituents for an appointment to a son or relative—a thing of daily occurrence. He immediately went to the Patronage Secretary and told him one of his constituents who had worked for him at the last General Election wanted an appointment for his relative or friend. He knew nothing of the person for whom he made the application, and the Patronage Secretary knew still less; the Member only knew what important assistance he had received from the applicant at the last election, and how unfortunate it would be if he should vote against him at the next. The Patronage Secretary, always courteous and delighted to oblige, put the name down on the list. Now what was the result? Others of the constituency, seeing an influential elector had obtained an appointment for his son or his nephew, asked themselves why they should not get something at the next election; and if offered £5 for their votes they would naturally think they might as well take it as their influential neighbour the appointment. But the evil did not rest there. The obligation conferred by the Patronage Secretary was not conferred for nothing. The Member of Parliament was expected to render something in return, and thus the system of political patronage seriously detracted from the independence of that

House. So much was this felt that many Members absolutely refused to ask any appointment for their constituents. There were, therefore, some constituencies to whom no appointments were given, while there were other small places, such as Wells—which had laboured under the misfortune of being long represented by Patronage Secretaries—on which appointments had been lavished with demoralizing profuseness. If his memory did not deceive him, Sir William Hayter had boasted in a speech he made at Wells how good a representative he had been since he was first connected with the place, having secured no less than 300 appointments for that constituency. In asking Members to give up this patronage, he did not ask them to forego a privilege of any real value, for if they obliged one of their constituents by obtaining such an appointment, the probability was they would disappoint fifty. He therefore said on every ground—the ground of political morality, the ground of fairness in the distribution of this patronage, the ground of the character and independence of that House, and the convenience of Members themselves—the system of political patronage should cease. But it was said that examinations, while they tested intellectual merit, did not test the physical and moral qualities of the candidates? Did the present system test the physical and moral qualities of the candidates? What did Members know—what did the Member for Shaftesbury (Mr. Glyn) know—about the physical and moral qualities of candidates for such appointments? Dr. Gull, who had been appointed to examine the candidates for the Indian Civil Service, and had a large experience on this subject, said that if he noticed any candidate coming to him with any physical weakness which, in the least degree, would interfere with his usefulness as a civil servant he immediately rejected him, and he of course lost the appointment. There were three standards embracing those who were perfectly unexceptionable in constitution and physical vigour, those who came up to that standard stood at 100; those who possessed the average of physical strength were ranked at eighty-five; and those not quite so good at seventy-five. He had examined about 500, of whom 292 came up to the standard of 100; 152 to that of eighty-five, and fifty-two only fell down to the standard of seventy-five. He could not therefore resist the conclusion that intellectual vigour and physical strength were, in the great majority of cases, necessary to success in open competitions. As to the moral test, he (Mr. Fawcett) would quote the opinion of one of the greatest and most experienced tutors that Cambridge, or, indeed, either University ever had; a man, who, for thirty years, had examined almost all the distinguished mathematicians that Cambridge had produced, and who had for some years been one of the Examiners for the Civil Service of India. He declared—

> "The question is sometimes put to me—Is an intellectual test also any test of high moral feeling? I answer that I know of no test that is half so much to be depended upon. Reviewing the long list of men who have taken distinguished degrees, who for more than thirty years have come under my immediate attention, I am as much surprised as rejoiced to find the high moral tone which, almost without exception, has existed among them. These facts prove to me incontestably that intellectual faculties, developed by study and cultivation, co-exist, in a great majority of cases, with a high moral tone. If you wish for a moral test, I know of none so much to be relied upon as an intellectual test."

This evidence was borne out by the Civil Service examinations. Every man connected with India spoke in favour of the system; Lord Lawrence, Mr. Maine, and the Civil Service Commissioners unanimously approved of it. He believed, indeed, that no complaint had yet been made respecting either the moral or physical capabilities of the candidates. He proposed by his Motion that the principle of competition should be applied to the Diplomatic Service as well as to the Civil Service. If any special capacity—conversational fluency in foreign languages for instance—were required for the Diplomatic Service, that could be tested as rigorously as they pleased by these examinations. But he was told this was not the object, and that "gentlemen" were required for that service. Exactly so; and how, he would ask, could they be more sure of securing gentlemen, in the true sense of the word, than by an intellectual test? Every quality that distinguished the true gentleman, he said, emphatically, was developed by intellectual culture—by bringing him under the influence of science, poetry, and art. It might be said that gentlemen of social position were required. Well, under the present system, they sometimes had social position and nothing else. He desired to bring no sweeping charge against the Diplomatic Service, but he did not hesitate to say that the present system sometimes secured for it men of social position who were not gentlemen. He remembered one striking instance. He knew a man, a student at Cambridge, who went through an almost unprecedented career of vice and dissipation; and he was ultimately expelled the University for having copied at the examinations, and for not having admitted that he had done so when accused of it. If his career had been less discreditable at the University he was a man who would soon have found his way to that House, for he was influentially connected, and a near relation of a Cabinet Minister. But it was necessary to get him out of the way, and within three months after being expelled from the University he was representing his country at a foreign Court. ["Name!"] He did not wish to recall painful reminiscences, but the case was well known to everyone acquainted with Cambridge during the last fifteen years. Now, under the system of open competition such a case could not occur, while, under the present system, there was no guarantee against its recurrence. Would not the Diplomatic Service represent England better and more honourably in foreign Courts if it were known they were selected for their intellectual distinction? Was not the House gratified to know that the United States were about to send as their Minister to this country a distinguished historian and author, and was not Prussia honoured, as well as England, in having sent as successive Ministers to this country Niebuhr, Humboldt, and Bunsen? It might be said that the Diplomatic Service was for the rich and not for the poor. Ill-paid work, however, was always dear, and if the service was underpaid men would not enter into a competitive examination for it. But when it was said that peculiar qualifications were required for the Diplomatic Service that could not be tested in a competitive examination, he replied that there was no service that required a higher capacity for diplomacy than the Civil Service of India. It was when England was brought into contact with a subject race that the character of a gentleman and the skill of a diplomatist was tested. But then it might be said that if they threw open all the appointments of the Civil Service to open competition men would be drawn away from other appointments, and an undue number would be attracted to the public service. He really thought that people might be left to decide this for themselves. The great principle of self-interest would prevent men from entering the Civil Service if they could obtain more lucrative or more honourable employment somewhere else, and his plan would have this great advantage—that it would prevent men from seeking a livelihood through the impure channel of political patronage. If he had spoken warmly on this Motion, it was because he felt warmly upon it; because he had spent a great portion of his life in an institution where no honours or emoluments were given except they were won in a fair and open intellectual struggle, and where they cherished the principle that merit should be the only road to distinction as their most precious possession. They were proud to think that there were no governing families in the Universities, but the poorest youth had as good a chance there as the well-born of obtaining honours, renown, and distinction. Applying the same principle to public affairs, he would say that they would never know how wisely England could be governed until the sacred principle for which he contended formed the only claim to employment by the State. In an ancient book, which had exercised an incalculable influence upon the human race, it was said that the ruler who appointed a man to an office when there was in his dominions another man better qualified to fill it sinned against God and against the State.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, all appointments to the Civil and Diplomatic Services ought to be obtained by open competition,"—(*Mr. Fawcett,*)

—instead thereof.

The CHANCELLOR of the EXCHEQUER: The hon. Member for Brighton (Mr. Fawcett) seems to think that he has nothing to do but to adduce arguments against political patronage and in favour of open competition in order to support the Motion he has placed before the House. But I think if the House will look carefully into the matter they will see that there is a good deal more than that in it. Because the question is really this—What appointments will you throw open to public competition? And that question involves a further question—What is the state of the public offices and departments at present, and are they in such a condition that it would be fair and right to throw everything in them open to public competition without any change or modification? These are the questions which the hon. Gentleman's Motion raises. It raises, besides, other questions which I think he has scarcely considered. He speaks of "all appointments to the Civil and Diplomatic Services." Does he mean to include Staff appointments? Does he mean that gentlemen of mature years obtaining those appointments are to be subjected to examination? If not, would it not have been better if he had limited the proposition to that part of the argument with which we could concur? [MR. FAWCETT: I said appointments to the Civil Service, and not in it.] Exactly so; but gentlemen are appointed to the Civil Service at very mature years, and that is just the point which the hon. Gentleman has omitted. When he asks us to pass a Resolution of this immense importance it would be more satisfactory, I think, to see that these things had been well considered, and in such a way as to contemplate appointments to the Diplomatic Service. A person may be sent out as a diplomatist who has not gone through the whole course of diplomacy. We are not, it is true, making an Act of Parliament, but, still, if the House is to bind itself by Resolution it ought to guard itself against making it so extensive as to involve consequences which the hon. Gentleman, I am sure, does not for a moment contemplate. But to return to the Motion. I do not think anyone who has ever taken the trouble to consider what I have said on this subject will suppose that I am in any way an enemy to competition. Since I have been in Parliament I have always done everything in my power to promote it. Indeed, I had the happiness to take my share in founding the system of Indian competition in 1854, when I was Secretary to the Board of Control. I have not a word to say against the arguments of the hon. Member in my own individual capacity. What I want the hon. Member and the House to see is this—that the hon. Member seems to suppose that we could simply by an act of our volition, introduce open competition at once into the Civil Service. I wish to point out the fallacy of that supposition. Our public offices are so organized—in some cases wrongly perhaps—that we have a large number of gentlemen on the establishments, many of whom, when they get in, have really a very limited and poor prospect before them—the prospect of a life of labour without any great chance of advancement at the end of it however competent and able they may be. The organization may be somewhat different in the different offices, but there is not that entirely open career to merit which seems to exist in the University of Cambridge. I am an Oxford man, but I confess I always understood that the University of Cambridge had been very careful in its institutions to guard against the operation of the very principle of which the hon. Member considers the University to be the representative. I have always understood that Cambridge differs from Oxford in this—that whereas for a Fellowship at Oxford every member of the University can be a candidate, for a Fellowship at Cambridge only members of the particular College can be candidates, and that, in fact, the small Colleges exclude the men belonging to Trinity College or St. John's, just for the very purpose of allowing inferior men belonging to their own Colleges to obtain the Fellowships. They have always excluded free competition, and therefore I do not think that the hon. Member's instance of the poor man at Cambridge was a very fortunate one. I would remind the House that no greater cruelty or injury can be conceived than to invite candidates for Government offices to this open competition, to subject them to strict and difficult examinations, and so to obtain the services of superior or highly educated young men, and then to condemn them to a career of hopeless routine, from which there is no probability whatever of their escape. This is a thing that ought to be considered before we can comply with the hon. Gentleman's Motion. We cannot regard it as a matter which we can introduce at once. We cannot say off-hand that henceforth, instead of patronage or limited competition, we will have open competition in all our public offices. The effect of such a sudden change would be great hardship and great cruelty, and would undoubtedly not only do a great injury to a number of deserving young men, but would also be a great injury to the Civil Service, because it is not in human nature that a man of high acquirements who has succeeded in a difficult competition should be satisfied unless he had some better prospects open to him than many of the offices under the Crown would afford. I do not say that this is an irremovable obstacle, but I do say that it is one that must be removed by the internal re-organization of these offices, and the division of labour, mechanical and intellectual, before committing a kind of fraud on the public or a great injury on a number of deserving young men by throwing all the appointments open to public competition. The inference is that it would be vain for us to think of passing an abstract Resolution of this kind, unless we carried out a complete re-organization of the different offices, dividing the intellectual from the merely mechanical duties. The question is, what ought to be done with this Motion? I should say that the hon. Member has, in the former career of my right hon. Friend at the head of the Government, as good a guarantee as he can desire that this subject will meet with most favourable consideration. My right hon. Friend was one of those Ministers who, in 1854, inserted in the Speech from the Throne a declaration which was well understood at the time to mean a desire on the part of the Government to introduce competition for appointments in the public departments. From that time to the present the question has never ceased to have the powerful advocacy of my right hon. Friend whenever the opportunity arose. The passage in the Queen's Speech of 1854, which was advised by Ministers, of whom my right hon. Friend was one, is as follows:—

> "The establishment requisite for the conduct of the Civil Service and the arrangements bearing on its condition, have recently been under review; and I shall direct a plan to be laid before you which will have for its object to improve the system of admission, and thereby to increase the efficiency of the Service."

Of course those words were guarded, as an intimation put into the mouth of Her Majesty must be; but they were perfectly understood at the time to refer to the opening of the appointments to competition, and steps were taken not long after in that direction. The hon. Gentleman, therefore, has a fair guarantee in the antecedents of my right hon. Friend that this question will receive his attention; and I would ask, is it fair or right to press the Motion further? I cannot say anything on behalf of the Government at large, simply because we have not had time to consider this question. We have been a very short time in Office, and we have been overwhelmed, as the House may readily believe, with an enormous quantity of business of immense responsibility. A great many other questions of the greatest importance are standing over, very much to the regret of their advocates, simply because the Government have not been able to give attention to them. This question is among the number. But, considering the antecedents of my right hon. Friend, and also, if it be not presumptuous to say so, my own antecedents, I do not think it can be necessary to press this Motion further. The hon. Member has treated the question simply as one of patronage. I think I have shown that it involves more than that, and, as a necessary condition precedent to the adoption of his principle, that we must have a thorough review and re-organization of the public service to which he wishes to apply it. That review and re-organization we have not had time to attempt, and I certainly think it hard that a Government, which contains some of the warmest and most consistent advocates of this principle, who for years have been fighting its battles, should suddenly have a Motion of this kind pressed upon them before they have had time for deliberation in their collective capacity, seeming to imply that, on their part, there has been some apathy or lukewarmness. The hon. Gentleman must determine for himself the course which he thinks best calculated to advance the cause for which he is contending. If he should think it his duty to persevere, I can only say, speaking for myself, that, worded as the Motion is in so wide and sweeping a manner, omitting as it does the qualifications that are necessary, and overlooking the steps that must be taken for the re-organization of the public departments, in justice to the candidates themselves, before the principle can be carried out, although no one is more favourable to that principle than I am, I certainly shall not be able to give my vote for the Motion.

Colonel SYKES said, he had been a Member of the Committee which investigated the subject of appointments in May, 1860. Some scandalous abuses of patronage were brought before them in the Registrar General's Department upon its formation; in one case it was stated that a lunatic had been appointed to a clerkship, and in another a greengrocer. They had several instances of that kind of objectionable appointments on account of age, broken state of health, proper qualifications, and even bad character, and the Committee came almost unanimously to the conclusion that, at all events with regard to the introduction into the service, there should be some proof given that the person appointed should have certain mental qualifications. Appointments in India had been thrown open to competition, owing in a great degree to the efforts of the right hon. Gentleman the Chancellor of the Exchequer, and the experiment had proved highly successful. The standard of mental acquirements, he believed, were higher there than among the civil servants of any other country. The present Government were very favourable to the principle of competition, but at present they seemed indisposed to give effect to it. If, therefore, the hon. Member for Brighton (Mr. Fawcett) pressed his Motion to a division, he should vote with him; for he could only mean by his Motion that the qualifications of candidates were to be tested before they were allowed to enter the service.

Lord STANLEY: As I was Chairman of the Committee which sat some years ago upon this subject, I may be allowed to join in the appeal which has been made by the Chancellor of the Exchequer to the hon. Member for Brighton (Mr. Fawcett). I decidedly think that if the hon. Member were to divide the house upon this Resolution he would place many of us in a false position, who like myself are generally favourable to the principle of the Resolution, but who are not prepared to adopt it in quite so sweeping and unqualified a form. I have always thought, and I do think now, that a great deal may be done in the way of extending the principle of competition in the administrative services of the country; but I do not think it would be a wise or statesmanlike course on the part of this House to say, in an imperative way, by a Resolution to the Government—"You shall adopt exclusively and absolutely the principle of open competition in all branches of the Civil Service," unless you are prepared to do more than that, and to indicate the manner in which the principle can be practically carried out. I must say that if reform in this matter has not advanced so rapidly as it seemed likely some years ago, I think it has mainly been owing to the fact that public interest in it has not been awakened to the extent which one might have expected. When I was at the India Office eleven years ago, I tried the experiment of opening some clerkships to absolutely open competition. Well, there was a very large number of competitors, but those who succeeded, I believe, were neither above nor below the average of gentlemen who ordinarily fill similar situations; but I did not find that any greater interest was felt in the matter, or that any great encouragement was given by the public to the repetition of that experiment. I quite agree, too, with what was said by the Chancellor of the Exchequer that, if you are to throw open the Civil Service to competition, you must make the prizes worth having, and you cannot do that unless you separate the more mechanical from the more intellectual part of the duties. It is really a mockery to throw open examinations, to invite everybody to come in and take part in them, and to establish a standard of merit, if the rewards which the successful are to obtain are little better after all, if not actually less in amount, than those which could be obtained by the same persons in ordinary private business. I merely wish to add a word upon another part of the question. I always felt—long before I had anything to do with the Foreign Office—very considerable doubt whether the case of the Diplomatic Service and that of the Civil Service stood in this matter upon the same footing. No doubt diplomacy does require some qualifications which you can test in the ordinary way by examinations, but it also requires other qualifications, which one may say without any disrespect, you are not quite certain to find in men who, by their own unassisted industry, have raised themselves from a very humble social position. There is also this consideration. If you were to apply this Resolution to the Diplomatic Service you would exclude yourselves from employing in that profession anyone who had not been exclusively trained to it. No doubt that has been our system of late years and under ordinary circumstances it has worked well. But it is one thing to adopt a system ordinarily, and another to tie yourself down to it by a Resolution, so that you will never be able to depart from it. I hope the hon. Gentleman will be content with having raised this question. If he divides the House, feeling as I do upon the subject, I shall not be able to oppose him ; but, on the other hand, neither shall I be able to vote in favor of the Resolution.

Mr. DILKE said, he thought the noble Lord, the Member for King's Lynn (Lord Stanley), took somewhat too high a view of a vote of that House if he supposed that it would preclude the Government from employing anyone in the Diplomatic Service who had not obtained entrance into the Service by open competition. It was a remarkable fact that Resolutions very similar to that before them had been on two former occasions carried through the House in favour of open competition, and that the reply of the Chancellor of the Exchequer was almost the same reply that was given thirteen or fourteen years ago by the late Sir George Lewis. When the present Premier pressed Sir George Lewis at that time he asked for a delay of one or two years—"Let us wait," he said, "till we see how the principle of open competition works in India." The Chancellor of the Exchequer had shown by a passage from the Queen's Speech, in 1854, the interest which was taken in this question by the right hon. Gentleman now at the head of the Government. But, in 1856, a Resolution was moved by the present Lord President of the Council, seconded by the right hon. Baronet, the Member for North Devon, and supported by the present Prime Minister, which, though not perhaps so sweeping in its terms as the Resolution now before the House, equally pressed the Government of that day to adopt the principle of open competition. If the statistics of the Civil Service Commission were looked into, however, it would be found that instead of an increased adoption of the competitive system it was less widely enforced of late years than in 1856-7. The Committee that sat in 1860 reported that the Civil Service should be thrown open for competition to the whole of the Queen's subjects—subject only to certain conditions as to age, health, and other qualifications, and he scarcely thought that the terms of the present Resolution would be found stronger than that. He doubted whether the terms of the present Motion were stronger than those of the former Motion on the same subject, to which several Members of Her Majesty's Government were pledged. He regarded the speech of the Vice President of the Committee of Council, who was speaking as the mouthpiece of the Government, on the second reading of the Endowed Schools Bill, during the present Session, as containing more than a mere promise that the Government would do something at an indefinite time. The objection that it was necessary to separate the merely mechanical from the intellectual labour in the Civil Service was, no doubt, very important; but the gentleman who first suggested that alteration (Mr. Horace Mann) was of opinion that they could not only effect that separation without difficulty, but that it would be better at once to adopt open competition with it. If the Motion went to a division he should vote with the hon. Member who brought it forward.

Mr. GLADSTONE: I do not rise, Sir, for the purpose of adding anything to the able statement of my right hon. Friend the Chancellor of the Exchequer, but I am very desirous of undeceiving the House—and, I am persuaded, the hon. Member for Chelsea (Mr. Dilke) himself—with regard to the nature of the discussion which took place upon this subject in 1856, both as respects the terms of the Motion the House was then called upon to adopt, and as respects the manner in which that Motion was met by the Government of the day. I would remind the House to begin with that, as my right hon. Friend has stated, many Members of the Government have declared opinions on this subject very much in the direction of the views held by the hon. Member for Brighton (Mr. Fawcett). They have not altered those opinions; they are desirous to move forward in that direction, but they appeal to the House whether, during the four months they have held Office, they have been idle. The measures which have been submitted to this House have probably been as considerable as ever were submitted by a Government during a period equally short after their coming into Office; and if the House desires to have work well done, there must be some regard as to the quantity of it which is to be undertaken in a given time. The hon. Gentleman who has just sat down is under the impression that the answer just given by my right hon. Friend is parallel to an answer given, in 1856, to a Motion which he thinks is parallel to the present one. I have hastily referred to the Motion of that date in order to ascertain its terms, and I have also referred to the answer given by the Government on that occasion, and the answers are so different that I am sure the hon. Member himself was not at all aware of the amount of difference between them. You are called upon to-night to accede to a Resolution which states that all appointments — making no distinction of rank whatever—in the Civil and Diplomatic Services ought to be obtained by open competition, with no exceptions under any circumstances, and no discretion being left to the executive or to the heads of departments. Now, what was the Motion moved by my noble Friend Earl de Grey and Ripon in 1856. It was an Address to Her Majesty, rather a long one. I need not read the whole of it, but the operative part is as follows:—

> "To assure Her Majesty of the steady support of this House in the prosecution of the salutary measures which She has been graciously pleased to adopt, and humbly to make known to Her Majesty that if She shall think fit further to extend them, and to make trial in the Civil Service of the method of open competition as a condition of entrance, this House will cheerfully provide for any charges which the adoption of that system may entail."—[3 *Hansard*, clxi.]

I think that was a very moderate and judicious Motion, and I believe in saying that I am paying a compliment both to the Chancellor of the Exchequer and to myself, for unless I am much mistaken, we at the time had some hand in it. But instead of being met on the part of the Government with a declaration that the Government concurred in the principle upon which the Motion was founded, as the hon. Gentlemen appears to think, I find, on referring to the speech of Sir George Lewis, that he joined issue upon the principle itself. I find near the commencement of his speech upon this Motion the following sentence:—

> "I wish to argue the question simply upon the ground of efficiency of the public service; whether the principle my noble Friend seeks to introduce will or will not render the Civil Service of the Crown more efficient than it has been heretofore—that is the issue I wish to raise."

Therefore, Sir George Lewis disputed the proposition of Viscount Goderich—as my noble Friend then was—that the principle of open competition was calculated to increase the efficiency of the Civil Service. It was under these circumstances that those who were friendly to the Motion were obliged to go forward with the discussion, and that the House carried by a majority of 21 the very moderate, cautious, and qualified Address which was then submitted to its consideration. Therefore I am bound to say, and I really think that the hon. Gentleman who has just sat down will agree with me, that the circumstances of the former Motion are, in every material point, as different as they can be from those of the present —that the proposition which the House was asked to adopt was wholly different, and limited as it was, it was met with open opposition. Since that time undoubtedly—and I hope that what I am about to say will not in any way be misunderstood—the arguments in favour of proceeding further in the direction of open competion have, in my judgment, gained a material accession of force; partly because the experience we have obtained of open competition, so far as I am qualified to judge of it, is of a favourable character, and partly on account of the important Act which was passed by the House of Commons last year, which placed the Members of this House in a much more direct political relation with the members of the Civil Service than they had ever occupied before. I think that my hon. Friend the Member for Brighton and those who support him, as well as the whole House, naturally feel, after the Act has been passed which gives the franchise to the Civil Service at large, an increased anxiety for an alteration in those very direct relations which have herertofore subsisted between the Members of this House individually and the disposal of first admissions to the Civil Service. I mention that circumstance to-night as a matter that the Government are perfectly alive to, and which they will certainly bear in mind when they proceed to take this matter into their consideration. But my right hon. Friend has stated no more than the truth when he says that we should run a risk of doing mischief instead of good if we were to place the adoption of the principle of indiscriminate open competition before that which is an indispensable preliminary—namely, a thorough re-organization of the Civil Service, with a view to a division being made between the merely mechanical and the intellectual work. And inasmuch as the Government do not wish to subsist upon promises to the House, but rather upon labour in a practical form, we cannot undertake to concur in any votes that would for our part end in promises only. We trust the House will give us a reasonable time to see whether we are or are not disposed to act upon the principle we have previously announced. It is fortunate that the Motion of the hon. Member is not a distinct Motion, but an Amendment to the Motion that you, Sir, do leave the Chair. We shall, therefore, without giving any opinion adverse to the terms of the hon. Member's Motion, although we regard it as being too wide, vote that the House resolve itself into Committee of Supply in order that we may take the Vote for the Miscellaneous Services, which the public interest requires.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 281; Noes 30: Majority 251.

IRELAND—JURY PANEL, MONAGHAN ASSIZES.—OBSERVATIONS.

Mr. DOWNING said, he rose to call the attention of the House to the proceedings in the criminal trials of "The Queen *against* Baird," "The Queen *against* M'Kenna," and "The Queen *against* Sheridan and Others," in the course of which, on a challenge to the array, the jury panel was quashed, on the ground, among others, that the said panel had been partially and improperly arrayed by the sheriff of said county; and to ask questions in reference thereto of the Attorney General for Ireland. He had already postponed this matter at the request of the Attorney General for Ireland, who wished to be further informed on the subject, and he hoped that the right hon. Gentleman had now made himself master of it, and would be able to answer his Question. The subject was one of great importance to the administration of justice in Ireland, especially in the province of Ulster, where he was sorry to say strong party and religious feelings prevailed. At the last Assizes for Monaghan there were several trials arising out of the disturbances which took place on the 13th of July. Among these trials there were those of an Orangeman named Baird, his son, and another party, who were charged with the murder of a man named Hughes, who was a Roman Catholic. Indictments were also found against a large number of Roman Catholics and against seventeen or eighteen Protestants, for riots and assaults arising out of the same transactions that led to the murder; and there were also informations taken against a number of persons for violating the Party Processions Act, but these were not brought to trial. Also, at the same Assizes, a man named M'Kenna, a Roman Catholic, was tried for the murder, in November last, of one Clark, a Protestant; but this occurred in a hotel, and not during a riot. Now, he had to inform the House that, in the year 1866, also at these Assizes of Monaghan, an Orangeman named Gray, who bore rather a notorious character in Ulster, was tried for the murder of a Catholic named Shevlin, who was shot at the election of 1865, and four witnesses swore that it was Gray who fired the fatal shot. But he was acquitted. He was defended by an able and learned Gentleman, who was then an eminent Member of this House—the present Chief Justice of the Queen's Bench in Ireland. On Gray's trial not one of the twelve jurymen was a Roman Catholic. A Mr. Crawford was foreman of the jury. Some strong articles were written on Gray's acquittal in the English journals, and the subject was brought under discussion in that House, the present Attorney General for Ireland declaring that Shevlin's life was wantonly taken without provocation, and that his death was as clear a murder as ever was committed. The panel from which the jury was taken by which Gray was acquitted consisted of 300, a larger number than was ever before known in Monaghan. But among them there were only sixty-seven Roman Catholics. The population of Monaghan consisted of 90,000 Roman

Catholics, and 30,000 of all other denominations, or three Roman Catholics to one Protestant. The panel was four Protestants to one Roman Catholic. The manipulation of that jury, and of the jury which tried the case in the last Assizes, was so self-evident, that he thought the House would agree with him that the jury system in Ireland required amendment. Out of the first forty-eight names on the panel that tried Gray, who was an Orangeman, only two were Roman Catholics. Out of the first sixty-nine names only three were Roman Catholics; but then to show the liberality of the sheriff, in the next forty-eight names there were sixteen Roman Catholics. It was, of course, intended, and was sure to be the case, that the jury who tried Gray were taken from the first forty-eight names. The sheriff of this year took a most active part in the election at which Shevlin lost his life, though, in 1838, he had been dismissed from the magistracy on account of partiality. At the trial a person of the name of Mitchell was sub-sheriff. Now it was worth stating that up to 1862 or 1863 Orangeism was not known in Monaghan, and the people lived together on the best of terms; but at that period the Rev. Dr. Bayley was appointed to the rectory of Monaghan, and an Orange lodge was established, of which he believed Dr. Bayley was the chaplain. On the 1st of July last year an Orange flag was hoisted on the steeple of the church—which he (Mr. Downing) thought was a desecration of the House of God—and this flag remained flying till the 12th. The 12th was a Sunday, but on the 13th, which was a fair day, a band of Orangemen marched into the town with drums and banners, and it was quite clear that a collision was inevitable. A collision did take place. The Orangemen entered the Orange Hall and Baird's house, where they had arms, and commenced firing on the crowd, and Hughes, an innocent man who was standing in the street, was shot. After that an assault was made by some of the Roman Catholic party on a man named Wilson. For that assault seven persons were indicted, and among them four women. A large number of Catholics were indicted for riot, and seventeen Orangemen were indicted, and were to be tried at the same Assizes, at which Judges Lawson and Morris presided, for whom he entertained personal esteem. The seven Catholics who were tried before Mr. Justice Lawson were convicted of an assault, not of a riot. One of them was sentenced to two years' imprisonment with hard labour. Two others were sentenced to eighteen months' imprisonment, and the four women were sentenced to twelve months' imprisonment with hard labour. In the other Court two persons were tried for the murder of Hughes, and they were acquitted. There were twelve Orangemen and not a single Roman Catholic on that jury. On that trial a policeman named Macdonald stated that he did not try to break into the house, because he might have been shot himself, but he went to the back of Baird's house and asked them to stop the firing. He did not go into the house to see who was firing, for soon after the man was shot the firing ceased. At the opening of the Assizes the Judge charged the grand jury, and stated, that he could not understand how, in a proclaimed district, men carried arms who had no licenses, and that the administration of justice in that way was defective. M'Kenna was put on his trial the next day. He was defended by two very able barristers. Mr. Butt put in a challenge to the array on five issues. Four of them were traversed by the Crown. One was admitted—that the sub-sheriff was an Orangeman. The issue that went to the jury was this—Did the sheriff, in contravention of his duty, to which he was sworn, act as a partizan? The jury found that he did, and the consequence was that the panel was quashed. That was the conduct of the sheriff of Monaghan, and he would state to the House the consequences arising from that finding. In charging the jury the Judge said that it was no matter whether the sheriff or sub-sheriff was an Orangeman, for that was no disqualification. In point of law that might be correct, but he recollected many magistrates having been removed from the Commission of the Peace because they had declared themselves Repealers. When Mr. Roche, the father of Lord Fermoy, was appointed sheriff of Cork, an objection was raised in the *Dublin Mail* that he was a Repealer, in consequence of which the Lord Lieutenant wrote to that gentleman inquiring if he was. Mr. Roche, as every high-minded man, declined giving a reply to the question, although he was no Repealer, and the consequence was that he was not appointed to the office. He did not think the Government ought to allow an Orangeman to fill the high and important office of sheriff, because to be an Orangeman was to be a partizan. On the trial of M'Kenna's case the panel consisted of 250 persons. In the jurors' book, there were 1,200 names in round numbers, 400 of them being Roman Catholics, showing a proportion of two Protestants to one Catholic. Out of the first seventy names on the panel there were only seven Catholics, and of these three were ineligible; so that there were only four Catholics left. Such was the state of the panel when important cases involving party and religious considerations were about to be tried. Although there were sixty magistrates in the county of Monaghan, not one of them was put on the panel until a demand was made by the attorney for the prisoners, and then one was placed on the panel. He was aware that the sheriff did not take an active part in framing the panel, but he was responsible to the Crown and was sworn to act fairly between party and party. In 1864 Mr. Riley, who was a Catholic, had the arrangement of the panel, and he returned 200 names, forty-eight of them being Catholics, and 152 Protestants. In 1865, Mr. Mitchell, the sub-sheriff at the last Assizes, admitted that he took the panel of 1864, and altered it, for he appointed 200, of whom forty-one were Catholics and 159 Protestants. But it was not so much the small proportion of Catholics as the position assigned to them on the list, which made it almost impossible for them to serve on the jury; for the prisoner could only challenge twenty peremptorily, and in the first sixty-seven names, there were only three Catholics. In 1867, the same principle was carried out. When M'Kenna was placed in the dock the finding to which he (Mr. Downing) had referred took place. On the next day, when he was again placed in the dock, Mr. Justice Morris stated that the panel had been quashed. That panel was admitted to be one affecting every case, and the consequence was that 100 Catholics and thirteen Protestants were set at liberty on entering into their own recognizances, and yet the jury taken from that panel convicted the seven Catholics who were now undergoing their sentences. That was all owing to the conduct of the sheriff. And one of the questions he would ask the Attorney General for Ireland was, whether that sheriff still retained his office; and, if so, whether it was the intention of the Lord Lieutenant to supersede him. It was not surprising when such proceedings took place that a want of confidence was felt in the administration of the law in Ireland, and that men occasionally took the law into their own hands. At the late trials, on the 5th of March, Mr. Riley, who defended the prisoners, wrote to the high sheriff, asking him to ensure a fair proportion of the prisoners' co-religionists on the panel. The reply of the high sheriff was that he intended making no alteration in the panel, except by adding some fifty jurors to the long panel, thus making it 250—of those forty-nine were Protestants. A similar letter was written by Mr. Riley to the sub-sheriff, who added fifty names to the panel, but forty-nine of them were Protestants, and only one was a Catholic, thus aggravating the case to a considerable extent. Mr. Riley then wrote to the Lord Lieutenant, who replied that it was a matter in which he could not interfere. The result was that the trial proceeded, with the consequences which he had described. The case reminded one of the declaration of Lord Denman—a name that will be ever revered, not so much from his professional knowledge, great as it was, as for his high sense of justice and unbending independence—in relation to the O'Connell trial. He feared that, to use his words, trial by jury in Monaghan had been nothing but a mockery, a delusion, and a snare. The jurors' book was made out and returned by parochial constables who were appointed by grand juries. In the county of Cork, out of thirty collectors, not one was a Roman Catholic. Several hon. Members had on former occasions attempted to induce Parliament to alter the present mode of selecting juries in Ireland, and he wished to ask the Attorney General whether he intended to bring in a Bill for this purpose? The other question he had to ask was, whether the jury panel having been quashed for partiality, it was intended by the Secretary for Ireland to recommend a free pardon to the seven persons who were convicted before Mr. Justice Lawson and sentenced to many months' imprisonment? He should be glad to know, moreover, whether the Attorney

General would so alter the present system as that jurymen should be selected in criminal as well as in civil cases by ballot? The sub-sheriff for Monaghan admitted that he had been an Orangeman for many years, and that he knew a great many Orangemen. He stated, however, that he could not tell how many Orangemen were on the panel—whether there were as few as ten or as many as 100. The high sheriff on his part denied that he was an Orangeman, but admitted that he did subscribe a few shillings to give the Orangemen something to drink—a very unfortunate thing for a high sheriff to do. He held in his hand a document under the hand of the clerk at petty sessions certifying against twelve Orangemen, but no step whatever had been taken to bring them to trial. The people of Ireland would watch with great anxiety the answer of the hon. and learned Gentleman to the appeal now made to him, and he hoped that answer would be such as to give satisfaction.

VISCOUNT CRICHTON said, it was only justice to the Rev. Mr. Bayley to state that he had been curate for ten years in the parish next his own, and that during that time no Orange flags had ever floated from his church. Mr. Bayley, on the contrary, had always discouraged any displays of this kind, and had incurred the displeasure of some of his parishioners in consequence.

COLONEL STUART KNOX said, this was not a question of putting people on the jury panel for their religion, but for their fitness. He protested against any comparison between the Orangemen and the Repealers of thirty or forty years ago. The latter were rebels, but the Orangemen were loyal men, who had combined, and would combine, together to support the Queen and the Constitution under which they lived. The sub-sheriff said he did not know how many Orangemen were on the panel, and that was the best proof of his impartiality. Orangemen, being loyal men, had as much right to be upon the jury panel as any other persons.

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) said, that the matter to which his attention had been called was one of the gravest importance. It was only right to state that he was not responsible for the delay in bringing this matter before the House. The hon. Member (Mr. Downing) gave notice of his intention to ask certain Questions as to what occurred upon a trial at which he (the Attorney General for Ireland) was not present, and he had accordingly asked that the matter should be postponed in order to enable him to become acquainted with what had occurred at Monaghan. In Ireland, where confidence in the administration of the law was everything, it was most important that the administration of trial by jury should be above suspicion. It appeared that two men, Baird and M'Kenna, were to be tried at the last Assizes, and if the charges against them were true the lives of both were in jeopardy. Baird was charged with shooting a man named Hughes in the street, by firing from a window, and M'Kenna was charged with shooting a man in a house. Both cases arose out of circumstances in reference to which the political and religious passions of the people were strongly excited. Baird was acquitted, and having regard to various circumstances which the jury were bound to weigh, it was impossible to find fault with the verdict. M'Kenna was then put upon his trial, and the array was challenged on his behalf. It was the greatest misfortune which could befal the administration of the law that religious considerations should enter into the selection of juries — but the charge against the sheriff was that he had designedly inserted the names of Protestants upon the panel, intending to prejudice the trial of M'Kenna — and the counsel for the Crown could take no other course but to consent to try that issue. The mode of appointing triers was peculiar, and perhaps not over satisfactory, but it had been transmitted from very ancient times. The two first persons who answered to their names were sworn, and in this case it was certainly a remarkable circumstance that the persons appointed to try such a serious issue were both Roman Catholics. They were, however, as he understood, respectable men, and great weight must be attached in law to their finding, which was adverse to the sheriff. It appeared that there were 1,215 names upon the jurors' book, of which, forming the best judgment that his information enabled him to do, 423 were Roman Catholics. It certainly was a great misfortune that out of 250 names returned to form the panel only twenty were from the Roman Catholic barony of Farney, and these were placed at the end of the panel; and no doubt it was a circumstance having great weight with the triers. The explanation of the sheriff was that the barony of Farney being very remote from the town of Monaghan, it would have been inconvenient for jurors to attend, and he swore that their names were placed upon the list without any intention of prejudicing M'Kenna. In a case, however, like that of the last Assizes, where the list for trial was one of the heaviest that had ever been known in Monaghan, the convenience of jurors was not, in his opinion, a matter for the sheriff to consider. When the lives of two men were at stake he was bound to get the best panel he could procure. Personally little blame could be attached to Mr. Coote, for he swore that he had neither hand, act, nor part in the preparation of the list, but, legally, he must of course be held responsible for the acts of his subordinate; it was not for him (Mr. Sullivan) to determine what steps should be taken. But what occurred at the last Assizes necessarily formed a great obstruction to the law, and, speaking as the public prosecutor in Ireland, in virtue of his office as Attorney General, he was bound to say that when M'Kenna came up for trial again next Assizes it was impossible that the state of things which existed at the last trial in the town of Monaghan could be suffered to continue. Without saying whether the sheriff was wrong or whether he was right, when confidence had once been shaken in the array it would present a serious obstacle to the due administration of justice, if, on a subsequent occasion, the people of the county saw the panel again prepared by the same persons that had been found guilty of framing it so as to press with harshness against a particular prisoner. As regarded the observations said to have been delivered by Mr. Justice Morris, who tried the case, he had inquired particularly into them, and concurred in the propriety of the warning which he had addressed to the triers. It would be, of course, for the Lord Lieutenant to say with respect to the rioters how in his opinion they ought to be dealt with, but he felt persuaded that Mr. Justice Lawson would never have passed upon them a sentence disproportionate to the facts adduced in evidence. The present jury system was universally acknowledged to be unsatisfactory, and he had found it so in practice. With respect to the proposal to select jurors by ballot, an admirable Amendment was to be found in the Business Paper of the House to the Jurors Bill introduced by the hon. and gallant Member for Longford (Mr. O'Reilly). But it was one thing to select a general panel for the Assize by ballot, and it was another to select a jury to try a particular case in that manner. However advantageous the adoption of the former system might be, the latter would never be tolerated for a moment, because it would take away from the prisoner the safeguard which he now possessed in the right of challenging, without assigning any reason, a certain number of jurymen. He could not hold out to his hon. Friend any hope that a Bill would be brought in during the present Session; but no doubt the condition of our jury system would engage the attention of Her Majesty's Government as soon as the state of Public Business afforded a convenient opportunity. With respect to the complaint of his hon. Friend about the party procession he could give no information, as he knew nothing about the matter, which had not occurred during his period of Office, but he thought it required explanation. He trusted that his hon. Friend would be satisfied with the answers he had given.

Mr. O'REILLY said, that in answer to the question whether the fact of a man's belonging to an Orange society was not sufficient to disqualify him from serving as a juror, he wished to state that an Act of Parliament had been passed which suppressed the original Orange Society.

Major KNOX: You will find that is not so.

Mr. O'REILLY said, it was on account of its signs and passwords and oaths that the original Orange Society was suppressed; and a case was laid before ex-Chancellor Napier, and new rules were formed, signs and passwords and oaths were abolished, and a new society was constituted so as to evade the law, and there the fact of being an Orangeman was not a legal disqualification. He believed that in this particular case the evidence of the sub-sheriff was not accepted because it was not consistent, he having stated at one time that he had placed the jurymen from the barony of Farney last on the panel because they would have a great distance to come, and in another that he had taken the jurors indifferently and put them through the panel, in which case of course the names of the jurors from Farney would have been found mixed with the others. The subject was, however, one of some importance as affecting the administration of justice in Ireland. Irish Members could not, unfortunately, but acknowledge that the law was not so much respected in their country as they would wish to see it, and though the population generally were not given to crime, there was too frequently a tendency to protect the criminal. This feeling of antagonism to the law arose mainly from the long years in which the law was against the people of Ireland, and when it represented a tyrannical power which was always against and never for the people. This feeling, which was gradually wearing away, was perpetuated by such cases as this, which, in the minds of a large number of the people, gave rise to the suspicion that partiality had been exercised. He fully concurred in the general principle that a man's religion ought not to be considered when calling upon him to act as a juryman; but it must be remembered that, in cases where party or religious prejudices were enlisted, the due administration of justice could not be secured without adopting what would otherwise appear to be an exceptional course. Even in Wales popular feeling ran so strong, at one time, that trial by jury was regarded as a farce; it being generally believed that no jury in that country would convict a Welshman, while a Welshman on the border, and with a border jury, would have stood very little chance indeed. In cases where anything like a selection of a jury on party grounds was suspected all respect for the law administered by the court was gone. He had before pointed out that the Crown could take measures to have the venue changed from a place in which party spirit was rife. Under the direction of the present Chief Baron Pigott, juries composed one-half of Roman Catholics and one-half of Protestants had been empannelled in party cases, and, he believed, the result was that satisfactory verdicts were in every case returned. He hoped that some Act would be passed to take away the unlimited discretion to form the panel that rested in the sheriff and still more in the sub-sheriff, who was very often a small local official who mixed himself up with party politics. He was glad to hear that the plan, which he had recommended on a former occasion, of forming the panel in criminal cases by ballot, reserving the right of challenge at the time of the trial to the Crown and the prisoner, was under the consideration of his right hon. Friend the Attorney General for Ireland.

FRIENDLY SOCIETIES—RESOLUTION.

MR. E. RICHARDS said, he rose to call the attention of the House to the question of Friendly Societies; and to move, "That this House is of opinion that the Government should introduce a Measure to remedy the present insufficient state of the Law in relation to Friendly Societies." In 1854 a Committee was appointed to inquire into the question, and upon their Report the Act 18 and 19 *Vict.*, c. 67, was passed. It was found, however, that that Act did not remove the evils against which it was directed, and in 1860, another Bill was brought in by Mr. Estcourt to compel the making of returns to the Registrar General of Friendly Societies; but notwithstanding that Act the returns were most irregular and very faulty. In 1861, another Act was passed requiring every society to render accounts to every member, but that Act also had, he believed, been practically inoperative. The evils connected with these societies had forced themselves upon the attention of Members of both Houses of the Legislature, and Lord Devon's Return, obtained in 1857, no doubt did some good by publicity, but those evils still continued. On a recent occasion a case came before Mr. Selfe, one of the metropolitan police magistrates, in which a man named Bohan made a complaint against the West London Philanthropic Benefit Society, which held its meetings at the King's Head, Chelsea. The man had been a member for years, and £7 was to have been paid on the death of his wife. Well, his wife died; but when he went for the money he was told there were no funds, and that the society was dissolved. The magistrate in that case granted a summons against the secretary of the society, and said that these Burial Societies were a perfect pest, that a week never passed without his having some complaint against a landlord or a secretary; that those societies took the hard-earned pence of poor people for years, and refused to meet their engagements when the deaths occurred. But complaints of this kind were not confined to the metropolis. They were heard from every part of the country. In speaking of Friendly Societies he wished to divide them into two classes. There were the Burial Societies and there were such societies as the Odd Fellows, the Foresters, the Druids, the Shepherds, and others of a similar character. The Burial Societies were conducted in an entirely different manner from those very large associations. Mr. Tidd Pratt stated that, at the time of the passing of the Act of George III., the Legislature had in view Friendly Societies the members of which knew each other and managed their own business without the intervention of paid officers. But the difference between these old societies and the new Burial Societies was very great. The members of the latter were generally poor persons, and were spread all over the kingdom. These persons never participated in the management, which was conducted by a few individuals over whom the secretary generally had complete control, and it was said by Mr. Tidd Pratt that the only means by which these societies, known as Burial Societies, could be regulated was by exceptional legislation. Mr. Tidd Pratt gave certain statistics of ten societies from the Returns made to the other House, which showed that the number of insurers amounted to 486,612; but it was stated that the number of subscribers to those Burial Societies was altogether not less than 1,000,000. The gross receipts for the year amounted to £94,323, the expenses of management came to £36,301, and the payment on deaths amounted to £64,386; so that the payments on deaths and the expenses of management amounted to £6,364 beyond the total receipts for the year. The amount of the funds in hand was about 2*s.* 10*d.* per member; it was estimated that the whole amount insured was £1,500,000, and to meet the liabilities to insurers the assets were £67,267. Mr. Tidd Pratt showed that for every 20*s.* spent for the relief of members the cost of management was, in the St. Patrick's Society, 16*s.* 3*d.* For every pound expended by the Victoria Legal Society, established in Birmingham, in the relief of members, they spent £3 on the management. The average was taken by Mr. Tidd Pratt of the amount each member had in the various societies, and it appeared that in St. Patrick's the amount of funds available for each member was 2*s.* 4*d.*, in another 5*s.*, and in the Victoria Legal Society, where they spent £3 to give away £1, the amount available for each member was 7*d.* Mr. Tidd Pratt stated that when the poor people, who had insured, wanted to recover their money they must go to Liverpool or Birmingham to get it in case of any dispute. The Royal Liver Society in Liverpool have in benefit 401,320 members; out of benefit, 52,602; and arriving at benefit, 75,996. The funds amounted to £117,930, or 4*s.* 5*d.* for each member. They spent 15*s.* 9*d.* in expenses for every 20*s.* in relief. Each of the committee-men received £520 per annum, and it appeared that no governor or committee-man of any life insurance office in England received salaries equal to those paid to the committee-men of the Royal Liver Society. The Victoria Legal in Liverpool was established in 1843; the yearly receipts were £28,000; members, 127,000; payments for funerals, £12,000; and nearly 20*s.* were expended for every 20*s.* paid for benefits. It appeared that the whole of the assets of Burial Societies, consisting of more than 1,000,000 insurers, and with £3,000,000 insured, including value of property and money in hand, amounted only to £181,000. In one of these societies the secretary's salary was raised to £400 a year, and a Judge decided that he had misappropriated nearly £4,000, and ordered it to be refunded; he had no power to do more, and the secretary set the law at defiance. A collector occasionally went from an old society to a new one on being allowed to keep the receipts to himself for the first six weeks. He told insurers in the old society that their only safeguard was to go with him to the new society, and the consequence was that those who took his advice got out of benefit with the old society, and were not at once in benefit with the new society; and in case of a death within the period of six weeks they had no claim upon the society they left, and no claim upon the society they entered, and were without any remedy at all. That was a state of things that ought to be remedied by the House. They had done too much by legislation or too little, because poor people joined a society under the supposition that because the rules had been certified by Mr. Tidd Pratt all was right and legal. But when Mr. Tidd Pratt certified the rules, all he said was that the rules were not contrary to law as put before him, and Mr. Tidd Pratt did not mean to intimate that he was satisfied that the tables of those societies were correct. Mr. Johnson—referring to the Liverpool societies in a pamphlet —stated that the extravagant expenditure was without parallel. The tables were in many cases drawn up by actuaries who never saw the rules, and who certainly would not have certified to the tables if they had known that so large an amount of the receipts went for management. It had been announced that Government would bring in a Bill to allow insurances of small amount to be effected in the savings bank department of the Post Office, but from the returns of the expenses already incurred in managing that business he doubted whether it would pay. Next, he would refer to such large societies as the Odd Fellows and Foresters. The Odd Fellows Association consisted of 412,000 members, and the receipts last year amounted to £499,000. The expenditure was £326,000, and the gain on the whole of the operations of the year was £172,000. The valuation of their property was £2,600,000, or more than £6 per head for every member. The Foresters had altogether over 300,000 members last year; the receipts amounted to £366,840; expended, £273,000; gain on the operations of the year, £93,000. It was said by the secretary that £40,000 ought to be put to another account, but after so doing the gain by the operations of last year would be more than £50,000. The total assets of the Foresters were over £1,000,000, so that each of the 300,000 members had £3 9*s.* 9*d.* to the good. Much might be said in favour of these societies, but still there was an obverse to the picture. The members, for instance, had not yet become sufficiently alive to the necessity of a valuation of their property, and it would be necessary in legislating on the subject to provide that regular periodical valuations should be made of each lodge in the kingdom. The objection hitherto was the cost. But this was a difficulty which might be removed. It would be well to consider whether the Board of Trade could not sanction the appointment of a competent actuary to make these valuations. Stability would be secured to these societies by compelling them to make a quinquennial or a septennial valuation of their assets. He was happy to say that the Friendly Societies themselves were becoming sensible of the importance of these valuations. Every report from the head-quarters of those societies for the last four or five years, he believed, insisted on the necessity for a valuation. He hoped the Secretary of State for the Home Department would carry into effect the wishes of the conductors of those societies in that regard by introducing a Bill to require that such returns should be sent, and that such valuations should be made. It was too much the fashion of writers to assert that all Foresters and Odd Fellow Societies were insolvent. Mr. Neison, the late actuary, gave his opinion some years ago that the Odd Fellows Societies were insolvent to the extent of £9,000,000; but his son, Mr. Neison, actuary, now estimated their liabilities at £2,000,000, and stated that the bulk of that amount was due from the Odd Fellows Societies in Lancashire, Yorkshire, Derbyshire, and Cheshire. With the exception of these four counties, Mr. Neison believed that the Odd Fellows Friendly Societies by means of increased payments might be placed on a sound basis. He (Mr. Richards) was confident that by the aid of proper legislation and the enlightened management of the gentlemen who were at the head of them, these societies, instead of being insolvent, would become one of the great institutions of this country. A great deal of laughter was frequently occasioned by the regalia and processions of Odd Fellows Societies. It must not be supposed that all who joined those societies approved of all they did. At one of the late gatherings of Odd Fellows Societies, one of their leading men, Mr. Fletcher, said that during the twenty-five years he had been connected with them he had not expended 1*d.* in decorating himself for a procession, and he hoped the time would come when the Odd Fellows Societies would sweep away from themselves that which other people looked upon as humbug. Again, on the question of remunerating the landlord for the hire of a lodge-room by purchasing beer instead of paying in cash, Mr. Kennedy, of Dublin, lately addressed the Foresters in indignant terms against that practice, and stated that, in Ireland, no court would dare to have beer on the council table, much less to enter in their accounts a charge for the payment of it, and he trusted that this improvement would soon extend to all parts of England. These were the opinions expressed by members of those societies. He (Mr. Richards) hoped that the societies would, ere long, clear themselves of these abuses, and take up the position which really belonged to them —that of being the great insurance societies of the working classes. It might be said that it would be much the readier way for working men to go to an insurrance office at once. But that was not his view of the matter. He thought it a matter of great importance that they should themselves have a share in the management of their own business. He believed that it was just that feature in these societies which had constituted a great element in their success, and which gave them a special value. It made them, in fact, a great means of teaching the working classes the duties of citizenship, and he believed that the future of this country would be a great deal better than its past, by the education which a great many men received in the Odd Fellows and societies of that description. As an honorary member of one of them he might state that the order and decorum with which their meetings were conducted, equalled the order and decorum in that House. Every member who entered the room had to make the same acknowledgment of the authority in the chair as was made by Members entering that House. There was no swearing, and neither political nor religious questions were allowed to be introduced. He called upon the Secretary of State for the Home Department to assist these men in making their savings safe. He wished to be informed whether the Government were prepared to legislate on this subject, and if not, whether they would assent to a Committee of Inquiry, or the appointment of a Commission for the purpose of obtaining further information as to Odd Fellows and Foresters, and more particularly with respect to Burial Societies?

Mr. BONHAM-CARTER said, that for the last twenty years, with the assistance, and under the guidance of Mr. Sotheron Estcourt, he had taken a deep interest in this question. While agreeing with most of what had just fallen from his hon. Friend (Mr. Richards), he could not quite coincide in the opinion that the existing evils were all susceptible of an easy and immediate remedy by legislation. He looked with satisfaction on the great progress that had been made by Friendly Societies of late years. A very startling attack had been made on the solvency of the Odd Fellows some twenty-two or twenty-three years ago, which had very much to do with the reform of that body; and it was greatly to the credit of the working-men that, in spite of evil report, they had gone resolutely on until they had reached a position in which they were trusted and perfectly solvent. He looked upon these institutions as splendid examples of the foresight and self-denial of the better members of the working classes; and if hon. Gentlemen had followed the efforts of those men they would have been sensible of what an up-hill fight they had to make in order to reach that position, and how they had gone on year by year endeavouring to improve those with whom they were associated. He did not deny that there might be a case for legislative action, but with respect to the great societies, he would say let them minimize their legislation. The Committee which sat upon the subject of Friendly Societies had, in the first instance, thought it would be possible to apply stringent remedies to the abuses which were formerly so rife; but further consideration had satisfied them that it would be better to trust to the good sense of the working men themselves. It had given great satisfaction to Mr. Sotheron Estcourt himself, and other friends of the societies, to find that the men who belonged to them had responded so completely to the confidence that had been placed in them. There was nothing that the great clubs more dreaded than that this feeling of confidence should be broken into by any interference. They were, and would be quite satisfied with the law as it stood, though there might be some little points of detail which might call for a slight remedy. The question of Burial Societies, however, stood on a totally different footing. They speculated in the most cruel manner on the affection, grief, and ignorance of poor people, whom they induced to make great sacrifices, and whose money they took, and then when the time for meeting the claim came they would say they could only give this or that small sum, and the poor people in the time of their distress had often no alternative but to accept what was offered them. He thought his hon. Friend had, at all events, made out a case for inquiry. An immense body of men, many of them the flower of the working-classes, were interested in the question; and there were but few who really knew what great credit was due to these poor people for the self-denial they practised weekly, monthly, and yearly, and what a cruel thing it was for them to find in the end, perhaps after twenty years' subscription, that there was nothing to depend on after all. Great credit was due to the Earl of Lichfield for his attempt at legislation, and if his right hon. Friend the Secretary of State for the Home Department should not hold out a hope that he would himself take up the question, he had no doubt that the Earl of Lichfield would press the matter again in "another place." In the county in which he (Mr. Bonham-Carter) resided a large proportion of the inmates of the poorhouses were persons who had belonged to Friendly Societies that had broken down. What he would urge on the Government was not to allow that the unsound societies, which brought so many to destitution, should go on without legislation. He was not sanguine that the Government could do anything by legislation on the subject this year, or, indeed, that anything could be done upon it at all by way of legislation; but if, by means of inquiry or otherwise, they could help the people to distinguish between good and bad institutions of that kind they would render a most valuable service to the numerous class interested in that important question.

Mr. BRUCE, having long known the earnest and practical interest taken by the hon. Member for Cardiganshire (Mr. Richards) in all that concerned the well-being of the working classes, was not at all surprised at the mastery of his subject which he had exhibited that evening; and he only regretted that there was not a fuller attendance of hon. Members to hear the hon. Gentleman's masterly, though maiden, speech as a Member of Parliament. It was quite true that the importance of that question could hardly be exaggerated. It affected millions of the working class, and affected them in a manner that was of the greatest possible interest to the House and the country. What they wanted to do was to increase the habits of providence and forethought among the working class; and whatever gave them a security that their savings and sacrifices should not be lost to them was a matter of vital importance not only to that class, but to all other classes whose prosperity so greatly depended upon theirs. That being so, Parliament had not been unmindful of its duty; for, during the last thirty or forty years, its attention had been from time to time occupied with the question of these societies, and occupied with it not quite in vain, because, as was clear from what they had heard that night, where the working men availed themselves of the power offered them by law they had succeeded in establishing societies on a firm and solid basis. That had happened as publicity had brought home to them the knowledge of what constituted the security of those societies, and almost every year it was found that that which had been the shame of those societies was gradually disappearing. Larger masses of the working people were seen attaching themselves to the larger and more stable societies, and leaving those small and unsound societies which had wrought so much misery and ruin. Knowing how strong the love of independence and the jealousy of Government interference were among the working classes, he greatly doubted whether Parliament or the State could do much more than it had done in that matter. What had been done had been done mainly in the preparation or sanctioning of rules on the part of the Government, and also—though not very successfully, he admitted—in giving publicity to the accounts of those societies. The hon. Member for Cardiganshire suggested that an actuary for these institutions should be appointed—[Mr. Richards: Sanctioned.]—well, sanctioned by the

Government, whose duty it should be to investigate their tables, to examine their accounts, and see from time to time whether they stood on a firm basis. But what the hon. Gentleman recommended the Government to do on behalf of the Friendly Societies it appeared to him they could do without much trouble on their own behalf. The case of the Burial Societies was a very different one, and the hon. Gentleman had been more successful in establishing the existence of a great evil—which, indeed, had been fully and repeatedly explained in Mr. Tidd Pratt's Annual Reports—than in suggesting a suitable remedy. It was said the more ignorant portion of the working classes were the victims of designing men, who went about the country making attractive statements to them, and inducing them to subscribe to societies which were, in fact, bubble institutions; but the best remedy for that seemed to him to be the spread of greater knowledge among the classes immediately concerned. Parliament could hardly be asked to prohibit the existence of those Burial Societies, although some persons thought they contained the germs of much mischief. The fact was there were honest and dishonest societies. He did not know whether means could be found for bringing the societies into a better condition, except by the one simple method of publishing statements of their accounts, and thus enabling the working classes to obtain accurate knowledge of the good and stable societies as distinguished from those which were of a bad and bubble character. He would leave the remedy, therefore, to time and education. But if his hon. Friend were dissatisfied with that and wished, at a proper opportunity, to move for a Committee of Inquiry into that question, no opposition to the Motion would be offered by the Government. The inquiry need not be a long one, and it would be a matter for rejoicing if its result should be to show that Parliament, without infringing on the laws laid down for its general guidance in dealing with such subjects, could do something effectual to save the working classes from the evils to which they were exposed. The hon. Gentleman deserved thanks for the able manner in which he had brought that question before the House, and he hoped that the hon. Gentleman's statement would have due effect upon the working classes, many of whom took a growing interest in the debates of that House, and that they would be led, with time and increasing knowledge, more and more to adopt securer methods of providing against old age and evil days.

INCUMBERED ESTATES COURT (IRELAND)—EARL OF LANESBOROUGH'S ESTATE.—QUESTION.

Captain ARCHDALL said, he rose to ask Mr. Attorney General for Ireland, If his attention has been called to a recent decision of the Irish Court of Chancery on an Appeal arising out of a conveyance of a portion of the estate of the Earl of Lanesborough to a Mrs. Catherine Reilly, the purchaser of a portion of a neighbouring property sold in the Incumbered Estates Court; and whether it is intended to propose any amendment of the Law which sanctions the sale of incumbered estates in Ireland? Every man who owned an acre of land in Ireland was deeply concerned in this matter, which was a glaring act of robbery perpetrated by the Incumbered Estates Court. He would beg leave to read a statement of the facts from a letter by the Hon. Cavendish Butler. In the year 1865, a portion of the estate of Loftus Tottenham, Esq., situated in the county of Fermanagh, was advertised for sale by the Landed Estates Court. As this estate was contiguous to the estate of the Earl of Lanesborough, in accordance with the practice of the court, notice of the proposed sale, a rental, and copies of maps of the estate, were submitted to the agent to Lord Lanesborough, in order that he might satisfy himself of the correctness of the boundaries. No error in this respect appearing on the face of the maps, the sale was allowed to proceed. A certain Catherine Reilly rented a portion of the Tottenham estate, containing 16 acres, 3 roods, 29 perches. At the sale she purchased the fee simple of this land, which was separated from the estate of the Earl of Lanesborough by a deep ditch and a high quickset hedge. A Landed Estates Court title was given to her, and nothing further transpired until the year 1867, two years after the purchase, when she claimed a portion of Lord Lanesborough's property, which was bounded on the one side by the portion of land so purchased, and on the other by a public street in the town of Newtown Butler, and which contained 49 perches of ground, valuable for building purposes. This claim was, of course, resisted, and eventually, as Mrs. Reilly threatened to take forcible possession, an action for trespass was brought against her in the Court of Common Pleas. For the plaintiff the above facts were stated. The Landed Estates Court proved that the defendant purchased and paid for only 16 acres, 3 roods, 29 perches, which were duly conveyed to her; that if the 49 perches now claimed were added to her purchase, she would become possessed of so much more land than she had actually bid for, paid for, or ever had in her possession; that the said 49 perches formed part of the estate of the Earl of Lanesborough, and had been in possession of the family since the original grant of the estate, and that by no act of the present or late proprietor had it been alienated. The defendant, on the other hand, claimed under the conveyance made to her by the Landed Estates Court, which, although it only specified that it had sold and thereby conveyed to her 16 acres, 3 roods, and 29 perches, still went on to say that "the portion coloured red, defined on a map attached to said conveyance, was the land so conveyed." A draughtsman attached to the Engineers' Office caused the red line alluded to to include a portion of Lord Lanesborough's estate, containing 49 perches of ground, and thus made Mrs. Reilly's purchase 17 acres and 38 perches, and not 16 acres, 3 roods, and 29 perches, as stated in the deed. Chief Justice Monaghan held the title good and nonsuited the plaintiff. Upon this, reference was made to the Landed Estates Court for redress, and, upon the re-hearing of the case before Judge Lynch, he, in an elaborate judgment, called upon said Catherine Reilly to re-convey to trustees the said portion of ground thus improperly claimed by her, with a view to its restoration to its rightful owner, the Earl of Lanesborough. Against this decision Catherine Reilly appealed to the Court of Chancery, who again reversed the decree of the Landed Estates Court, and held that the line defined by the red paint was a good conveyance, and that, although Catherine Reilly acknowledged, and the body of the deed affirmed, that only 16 acres, 3 roods, and 29 perches were sold and paid for by the said Catherine Reilly, still she was entitled to 49 perches of a property that was never sold by the court, bought by the claimant, or included in the quantity specified by the said deed of conveyance. It appears, therefore, that no matter what the quantity or nature of property described in a deed of conveyance from the Landed Estates Court, the map alone is to be considered the basis of the purchase; and the question was whether a man's property could be conveyed to another, without his knowledge or consent, through the negligence or other default of some official? A portion of the estate of the Earl of Lanesborough had been so conveyed to the purchaser of a portion of a neighbouring estate—no portion of the estate of the Earl of Lanesborough was mentioned in the deed of conveyance—and the only grounds on which Catherine Reilly claimed the portion of Lord Lanesborough's estate, included in the map, was that it was so included. The Attorney General for Ireland would probably remember that when Ahab appropriated the land of Naboth he received a very severe punishment. If the conduct of Ahab was bad, the conduct of the Incumbered Estates Court was worse. Ahab gave notice to Naboth that he wanted the land, but the Incumbered Estates Court gave Lord Lanesborough no notice whatever. The land, it was true, was of small extent and value, but the question was one of principle, and Parliament ought to interfere to prevent so gross an injustice.

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) said, he would not allude to the Scriptural illustration just introduced, but would remind the House that when the Incumbered Estates Court was founded in Ireland some twenty years ago it was thought to be of vital importance that every title given by it should be indefeasible. He was perfectly familiar with the facts of the case, for it happened that he had been Counsel against Lord Lanesborough. The estate adjoining to Lord Lanesborough's property was sold in the Incumbered Estates Court, and, through a mistake on the part of an officer of the Ordnance Survey, the strip of land in question belonging to his Lordship, and forming an acute angle projecting from the mass of the property, was included in the conveyance, though the map served on Lord Lanesborough, as an adjoining owner, showed this strip uncoloured. The mistake was to be regretted, but he did not think it properly described by the term "robbery." It should be remembered that during the operation of the court, which had conveyed millions of property, these mistakes had been of the most trivial character, this being, perhaps about the second or third which had been discovered. The remedy now suggested was an amendment of the law, but the only amendment that could be adopted would have the effect of rendering the title disputable. Now, it would be little short of a national calamity if, on account of a mistake with regard to some 49 or 50 perches of land, the validity of titles under the Incumbered Estates Court was impaired.

Mr. HUNT said, he knew nothing of the case until he had just heard it explained, but he must say it appeared to him that a flagrant robbery had been committed. The right hon. and learned Gentleman admitted that there had been a mistake, but pleaded that it was a small one. Now, they had all heard of excuses made by delinquents where the *corpus delicti* was a small one, and the excuse now offered was about on a par with that of the female delinquent to whom he referred. If the state of the law in Ireland was that, through the mistake of a Government officer, a man might be robbed of his land, and there was no mode of correcting the error, it was the bounden duty of the Government to see that a change in the law was at once introduced.

Mr. TORRENS said, the Incumbered Estates Court had proved an inestimable boon to Ireland, but its value would be greatly impaired if any doubts were thrown on the validity of the titles granted under it. At the same time, it would, he thought, be possible to devise a remedy for the injustice here pointed out. In Australia he had introduced a Bill for establishing a court similar to the Irish Incumbered Estates Court, and giving indefeasible titles; but there a small percentage was levied upon the value of the land brought under the system, and out of the fund thus formed the persons injured by such mischances as these received compensation. This system of insurance, which fell very lightly on those resorting to the court, worked satisfactorily. In addition to this there was a provision that the Government could recoup themselves by bringing an action for damages against the person who had benefited by the mistake that had been made.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—CIVIL SERVICE ESTIMATES.

VOTE ON ACCOUNT.

Supply *considered* in Committee.

(In the Committee.)

Mr. AYRTON, in moving that a sum of £1,586,800 be granted to Her Majesty on account of those services, said, it would be desirable that he should redeem the promise given by the Chancellor of the Exchequer when the hon. Member for Northamptonshire (Mr. Hunt) desired an explanation of the difference between a statement appearing in a Paper on the table of the House and that made by the Chancellor of the Exchequer in reference to the amount of these Estimates. The difference appeared to be that the Paper laid on the table showed that the Civil Service Estimates for the present year exceeded those of last year by £387,000; whereas, the Chancellor of the Exchequer stated that the excess was only £281,000. The difference between these two statements was £106,000. The fact was that the original Estimate had been reduced by one item of £28,250. The Committee would also see that the Paper laid on the table only contained what might be called the old Votes repeated in the present year, and several supplemental and original Votes had been omitted in the comparison, and those Votes amounted to £78,000. Therefore, adding to that sum of £78,000 the other amount of £28,250, it would be seen that together they made the sum of £106,000. He would now deal with the proposal to take the Vote on Account. In the first instance, it was intended to ask for a Vote on Account equal to four months' Supply; because, as there had been considerable discussion as to the best mode of conducting the business of that House in relation to the business of the other House, it was thought desirable to postpone until a late period of the Session that part of the business which the other House would not require time to dispose of, in order that hon. Members might devote themselves at an early period to the consideration of the business which it was desirable to send up to the House of Lords as soon as possible. He ventured, therefore, to suggest that they should not proceed with the Civil Service Estimates until the Bills now under consideration should be disposed of; but he understood that some hon. Gentlemen thought that the Government would gain some advantage by taking a large Vote on Account. It was, however, a matter of indifference to the Government whether they took the Vote for a shorter or a longer time; for, if taken for a short time, the Government, when that period elapsed, would only have to take another Vote for a further period, though that course of proceeding might give trouble to the permanent officers of the Department. However, as some hon. Members did not wish that the Government should take a Vote for a long time, he now proposed to take a Vote for two months. In taking this Vote, the Committee must understand it was not the intention of the Government to embark under it upon any new expenditure in respect to which the Committee might desire to express any opinion of their own, and the Vote on Account merely provided for the continuation of those services and works which had been sanctioned in the past year. Therefore, the Committee in sanctioning the Vote did not pledge themselves to any new undertaking, but merely recognized the principle that the services were to be continued on the footing on which they were left by the preceding Committee of Supply in last year. His right hon. Friend the Chancellor of the Exchequer stated to the House yesterday the leading causes which led to the increase of these Estimates, and a considerable portion of the increase was only apparent and unsubstantial. The most important item of apparent increase was that for the Diplomatic Service, which was changed from a permanent charge on the Consolidated Fund to a Vote in Supply. A Bill to carry this arrangement into effect would be laid on the table of the House as soon as the necessary details were settled. By that measure the power of the Crown to obtain money for the Diplomatic Service out of the Consolidated Fund would be taken away, so that hereafter those charges must be met by Votes in a Committee of Supply, and the wish expressed by the House last Session would be carried into effect. The details of the present Vote on Account were, as might be seen, spread over almost all the items in the Civil Service Estimates. In proposing a Vote on Account it was not usual to enter upon these items in detail, the Vote being taken in a single sum. Therefore the Committee need not examine them in detail. Indeed, it would be impossible for hon. Members to do so, as the Civil Service Estimates were not yet laid on the table. He therefore presumed that the usual course would be adhered to, of taking the Vote on the understanding that hon. Members reserved to themselves the right of examining each of the items afterwards in Committee of Supply. He very much regretted that he had not been able to have the Civil Service Estimates printed and circulated by the present time; but, after keeping back the present Vote to the last moment, he now found himself compelled, in consequence of the financial year having expired, to propose it to the Committee. He might explain to such hon. Members as were not conversant with the circumstances which rendered the present Vote necessary that in former times it was the practice to apply the balances of old Votes to meet the expenses at the beginning of the year until the new Estimates should be sanctioned; but, under the system now in force, it was not lawful to apply those balances for the service of the new year without the sanction of Parliament, but they must be paid into the Exchequer. It was clear that if all the Civil Service Estimates could not be voted immediately after the commencement of the new financial year, the inevitable result must be that a portion of them must be voted as was now proposed, on account. It was equally obvious that it was impossible to proceed with the whole of the Votes at the present period of the Session, and the Committee would, therefore, he hoped, have no difficulty in assenting to the proposal of the Government, that a certain sum should be granted to meet the wants of the service.

MR. HUNT: Sir, I will not allude to the first observations of the hon. Gentleman who has just spoken as to the discrepancy between the statement of the Chancellor of the Exchequer and the Papers which have been placed in our hands, because there will be an opportunity afforded of discussing that point when the House comes to deal with the full Estimates in Committee of Supply. I must, however, say that the original proposition made by the Government to take Votes on Account for a period of four months seems to me to require some comment. The hon. Gentleman has stated that it was of no importance to the Government whether they took Supply for four months or for two. I cannot think that that is altogether the case. At all events that was not the view of the matter which was taken by those who sit on the Ministerial Benches, when in Opposition last year. Last year the late Government proposed to adopt the usual course, and to take a Vote on Account for a period of three months, but we received an intimation from those who then sat upon these Benches that they would object to the granting of Supply for more than six weeks. We, desiring to have no controversy on the point, consented to take Votes for only six weeks, but we found from the Papers presented to the House, a few days ago, that the Government, many of whose Members were opposed to our taking Supply for three months, proposed to take Votes for four months. Now, the practical consequence of voting money for so long a period must be, as the hon. Gentleman knows, that the Estimates would be hurried through the House at the fag end of the Session, when many Members would be reduced to such a state of lassitude that they would be unwilling to stay in London, and when, practically, the Government would have very much their own way. It is quite right that the Government should have supplies to go on with, but then they should not be allowed, in my opinion, to have them for so long a time as to leave the discussion of the Estimates practically in the hands of official Members. Certainly the Opposition of last year took a very stringent view of their rights in this matter, and I was, therefore, all the more unprepared for the course they have taken now they are in power. We, of the Opposition, made a suggestion to the Government; the consequence of which was that another Paper was placed in our hands, with a little slip pasted on it, with the statement, "It is requested that this may be substituted for the Paper issued on the 5th instant." It is not, I may add, usual to raise discussions on Votes on Account, and I should on this occasion follow that which is the usual course had it not been for peculiar circumstances connected with two items in these Estimates. The two items to which I allude are those on the second page of the Paper which I hold in my hands. No. 10, the Vote for the Charity Commission, and No. 12, that for the Copyhold, Inclosure, and Tithe Commission. Certain proceedings occurred last year in connection with those Votes to which I wish to call the attention of the Committee. On the 24th of April, 1868, my hon. Friend the Member for Chippenham (Mr. Goldney) moved a Resolution as an Amendment to the Motion for going into Committee of Supply, in the following terms:—

> "To leave out the word 'That' to the end of the Question, in order to add the words 'in the opinion of this House the expenses of the Copyhold, Inclosure, and Tithe Commission, Inclosure and Drainage Acts, and Charity Commission ought not to be borne by the public."

There was on that occasion a division, the "Ayes" in favour of the words proposed to be left out standing part of the question being 104, and the "Noes" 105. The consequence was that the next question put that the words of the Resolution should be added to the word "that," and the numbers were — "Ayes" 106; "Noes," 105. It fell to my lot to take part in that debate, and I stated, in reply to my hon. Friend the Member for Chippenham, that the Government were altogether in favour of the principle of his Motion, but that they thought its terms required some qualification. I added that, while concurring with him in the opinion that the proceedings for the greater part in those cases ought to be carried out at the expense of the parties interested, yet we looked upon the measure which he proposed as so sweeping that there would be considerable difficulty in giving it effect. I therefore suggested that the word "entirely" should be inserted in his Resolution before the word "borne," thus binding the Government to the view that the expense ought not to be entirely borne by the public. My hon. Friend, however, at the instigation of the present First Lord of the Admiralty, the President of the Poor Law Board, and others who now sit on the

Ministerial side of the House, declined to accede to my proposal, and the House divided, with the result I have just mentioned. We voted for the insertion of the word "entirely" because we did not see our way to providing the expenses of those Commissions without having recourse to some extent to the aid of public funds. We thought that the public were interested in some of the proceedings of those Commissions, and that to that extent there ought to be some charge on the public funds, while we entirely concurred in the principle of the Resolution that the general expense ought not to be defrayed from that source. My hon. Friend, however, who perhaps now may perceive that he was ill-advised in the matter, refused to accept the slight qualification of his Motion which I suggested, went to a division, and triumphed by a majority of 1. I was rather curious to see who supported him on that occasion, and I found that no less than fourteen Members of the present Government, and four Members of the present Cabinet, went into the Lobby in favour of his Motion. He was supported, not only by the vote, but by the speech of the present First Lord of the Treasury, while he was assisted in telling the result of the division by the present First Lord of the Admiralty. Now one would have thought that that circumstance would have decided the course of action of the present Government in the matter. But the question does not rest here, because the Prime Minister made a very notable progress during the Recess. He then made a great number of speeches, which occupied a great number of columns in the different newspapers. So profuse were his utterances, indeed, that I almost despaired of getting through so vast a mass of words. I must, however, confess that I paid the right hon. Gentleman the compliment of reading the greater portion of those speeches, and felt much encouraged by those prolix effusions with which he relieved his mind. One of the chief topics on which he dwelt was the extraordinary extravagance of the late Government, and their great desire to squander the public money. I had some consolation in reading what the right hon. Gentleman said on this subject, because my conscience was very easy on the matter, for I felt that a great deal of the public money which

we spent was expended in consequence of the neglect of our predecessors in Office, in not keeping up the public service in a proper state of efficiency. I can quite understand that the ignorant audience whom the right hon. Gentleman was addressing—["Oh. oh!"]—I mean ignorant on this point—were not so well-informed with respect to it as the Members of the late House of Commons who took part in its discussions; and I am not, therefore, surprised that the statements of the right hon. Gentleman were received with a considerable amount of applause. For some of those statements, made in the excitement of an election contest, I should be inclined to make some excuse; but there were others, which may, perhaps, be brought before the House at some future day, for which there is little excuse to be found, because they were made, I think, without due inquiry into the facts of the case. The right hon. Gentleman alluded, among other things, to the debate on the Motion of my hon. Friend the Member for Chippenham; and one of the chief counts in his indictment against the late Government was that they had opposed that Motion. So important were the utterances of the right hon. Gentleman, that they exist not only in the shape of a newspaper report, but have been bound up together and published in a pamphlet. ["Hear, hear!"] I am not astonished to find that hon. Gentlemen opposite cheer; but the immortality of these speeches may very well be regarded from two points of view, because if they perpetuate sentiments worthy of being perpetuated in the memories of the fellow-countrymen of the right hon. Gentleman, they also preserve many rash and reckless assertions. I only deal with that portion of the speech which refers to the Vote before us. If I referred to the general statements contained in the speech, hon. Gentlemen opposite might be somewhat astonished at the assertions which were then made. The right hon. Gentleman alluded to the course which was adopted by the then Government, and said—

> "We saw on the Notice Paper this year a Notice which would have saved the country a certain sum of money. I think some £20,000 a year, perhaps more. It was to the effect that the expenses of certain Commissions relating to Copyholds, Inclosures, and Tithes which had been charged on the Consolidated Fund should be borne not by the State but by the persons who

> took benefit from the operation of these Commissions. This Motion, which we thought a very rational Motion, was made by Mr. Goldney. Mr. Goldney is a man of much intelligence who sits on the Government side of the House."

Well, there I am as one with the right hon. Gentleman, for I quite agree that my hon. Friend is a man of much intelligence. Then the right hon. Gentleman continues—

> "Thus we had an opportunity, because Mr. Goldney, being the Mover of the Motion, and not acting in concert with us, it was not possible to cast upon it the discredit of being a party Motion. Well, what did we do? We supported Mr. Goldney, and what happened? We carried our Motion by 1. So keen were the Government to resist this reduction of expenditure, that after being thus beaten in a division some rumour went abroad that one or two Members had come into the House that they might, if they divided again, obtain a different issue. They divided again, and again they were beaten by 1."

I gather, then, that in the opinion of the present Government this £20,000 a year ought to have been saved to the country and thrown upon the persons interested; and the Members of the then Government were held up as so keen against the reduction that they took a second division. I do not think that this account of what occurred in the House quite accords with the facts; because, so far from resisting the spirit of the proposal, I stated that I entirely concurred in it, but that we thought its terms so strict as to require qualification. However, the Colleagues of the right hon. Gentleman were so determined upon effecting this economy that they refused to admit of any qualification. Well, I cannot conceive—after the right hon. Gentleman had supported the Motion, and after the grave charge brought by him against the late Government—that, coming into power with such a majority, he might not have found means to carry out the views he expressed in Opposition. My hon. Friend the late Secretary to the Treasury (Mr. Sclater-Booth) brought in a Bill to enable the Inclosure Commission to levy fees, and the Commissioners will thus be able, according to their estimate, to raise a sum of £17,000 to meet the expenses of £20,000. The late Government were entirely of opinion that the expense should not be borne by the public, and they took measures accordingly. But now a word or two on the subject of the Charity Commission. The right hon. Gentleman, by his vote here and by his taunting speech at the election, declared his opinion that the expense of the Charity Commission should also be saved to the country. The Chancellor of the Exchequer, however, in an answer to my hon. Friend (Mr. Goldney), stated, the other night, that the Inclosure Commissioners would raise £17,000 by fees—though he did not add what the late Secretary of the Treasury had done to secure this result—but confessed that the Government did not see their way to relieve the public from the charge of the Charity Commission. He declared that he himself should like to impose an income tax on charities. Now, I say that after what occurred the Government were bound to attempt to carry out the Resolution of my hon. Friend. We were taunted, when in Office, with not having the power to give effect to some of our wishes; but what is the use of having a strong Government in Office, carrying great measures by a majority of 118, if, having decided opinions on such a subject as this, and having pledged themselves as deeply as they can by Resolutions in this House and by speeches out-of-doors, the Government "do not see their way" to carry out that which they severely censured us for not carrying out? When this sort of thing happens it ought to make Gentlemen careful of what they say in their election speeches. I think they ought not to attribute to their political opponents a desire to squander public money, and to throw upon the public charges which ought to be borne by private persons, whereas when they come into Office they themselves do nothing. At the time when the right hon. Gentleman supported the Motion of my hon. Friend he had had some experience as to the difficulties of imposing charges upon charities, and had made a proposal which he was unable to carry; yet, knowing the difficulties of the case, he refuses to qualify the terms of the Motion, and then goes down to his would-be constituents and charges the then Government with resisting the reduction of expenditure in this instance. What has happened? The right hon. Gentleman and his Colleagues propose these two Votes, not having, as regards the Charity Commission, taken one single step to relieve the public.

Mr. GLADSTONE: Sir, I congratulate the right hon. Gentleman on having commenced his speech with a criticism upon our proceedings, as to which he possibly had something to say. We asked for a Vote for four months on account of the Miscellaneous Services. That was admitted to be unnecessary, though it was for the public convenience, and the Vote on Account was reduced to two months. The right hon. Gentleman compares with this proposal the jealousy of the Opposition of last year, who would only consent to a Vote for six weeks. But he entirely omits from his comparison that upon which the whole merits of the case turns—namely, that last year the Government had been condemned on a vital point of policy, and had been placed in a minority of more than 60 by a vote of which the head of the then Government declared that it would produce consequences more formidable than foreign conquest. Sir, I unfeignedly regret that the right hon. Gentleman has raised this question. We have other matters to transact than to rake up these old controversies—frivolous as I shall show them to be—but I am compelled to follow the right hon. Gentleman on the ground over which he drags me. That was the position of things last year, and the Opposition with singular mildness proposed, after the vote I have mentioned, that Supply should be taken for a limited period. Yet the right hon. Gentleman, while instructing others in their public duties, thinks it right to institute this comparison, omitting from it the point on which the whole case rests. However, with this portion of his speech he was comparatively successful; but he goes on to instruct me upon the mode in which election speeches should be framed, and, rising in the latter part of his speech to a height of calm philosophy, says that great inconvenience is likely to arise when Gentlemen before their constituents—or, as he, with excellent taste, remarks, their would-be constituents—become reckless in the language they use. Undoubtedly those who are unfortunate enough to number the tale of years which have passed since I became a Member of this House must feel peculiar happiness when they receive lessons of this description from Gentlemen who have entered public life some quarter of a century afterwards, and who, growing rapidly in wisdom and experience, have acquired so remarkable a capacity for lecturing their seniors. Now, Sir, the question is one that, after all, it may not be useless to discuss. The right hon. Gentleman speaks of me as if I had raised the subject of the vote of the hon. Member for Chippenham (Mr. Goldney) gratuitously before my "would-be constituents." What happened was this—I did state to my constituents—as they then were, and as I hoped they would be again, and it is to me matter of grief that they are not — I did state to my constituents that, in my opinion, a due control had not been exercised over the expenditure of the country during the two years the then Government had been in Office; and I am happy to say that it has in some manner or other happened that, when that declaration was made in the face of the country in one of those prolix speeches to which the right hon. Gentleman refers—that £3,000,000 had been added to the public expenditure in two years—the "ignorant audiences" in Lancashire, whom he has thus again the good taste to describe, were considerably impressed with the fact, and the opposing candidates immediately challenged the right hon. Gentleman on the subject —and much notice was taken throughout the country of the matter—and, singular to say, we have been recently informed by the right hon. Gentleman that about and from that very date it became a great object of the right hon. Gentleman to reduce the current expenditure. The right hon. Gentleman shakes his head, but I am compelled to appeal to his speech last night, in which he said that about the month of September—[Mr. HUNT: I said long before, in the autumn]—the operations of the right hon. Gentleman were specially pointed to the subject—it was in the autumn, he says, he became finally convinced that the revenue would fall short of his estimates, and it was in the autumn he made, not vigorous, but renewed and extended—for I have no doubt he thinks he always made vigorous—efforts for reducing the expenditure of the country. That was the time when the dissolution was in prospect, and when, by means of these prolix speeches and otherwise, the country had become aware of the manner in which its financial affairs were regulated. I was then told that it was my duty, being in command of the majority in the last Parliament, to cut down and keep down the expenditure. I think those acquainted with the last Parliament will be aware that any power possessed by myself or others on this Bench was of a very limited character, and I deny the proposition that we could be held responsible for that great expenditure, if we took the opportunity from time to time to make known our disapproval of, and when occasion offered endeavoured to reduce, the public charge. I then made the observation which the right hon. Gentleman has read, and which appears a most just observation—that though it was very difficult for us, engaged in political controversies of the highest moment, to be continually worrying the Government on this and that question of expenditure, which would have degraded the struggle in which we were engaged on the subject of the Irish Church into what would have appeared to be a mere contest for the immediate grasp of Office; yet, when we had the opportunity offered us on the Motion of a Gentleman of so much intelligence as the Member for Chippenham, from the other side of the House, we were glad to support it. It was for that purpose I introduced the passage which the right hon, Gentleman has quoted as an instance of the rash and inconsiderate statements in my speeches; but every syllable of which I here deliberately adopt. I then pointed to the proceedings of the right hon. Gentleman. It is quite true he said he thought a part of the expense might be borne by the parties taking the benefit of these Commissions, and he wanted the House to affirm the Motion that the expense of these Commissions should not be entirely defrayed by the public. But the hon. Member for Chippenham, certainly not on my inspiration, would not agree to that Amendment, and he was quite right, for if he had adopted it the House would have declared that a portion of the expenses of those who take the benefit of these Commissions should be borne by the public. I think he was right, and I would vote with him again if the same circumstances should arise. But what I did observe, and what was the point of my criticism, related to the form of proceeding adopted by the right hon. Gentleman—for it was this—The House of Commons gave its judgment—it is true, only by a majority of 1—in favour of the reduction of the public expenditure, and to my astonishment the right hon. Gentleman, instead of accepting that vote, because there was some rumour about the House that two or three Members had come into the Lobby which might change the division, declined to accept the vote and challenged it again and was beaten. If the right hon. Gentleman thinks it a right mode of proceeding towards the representatives of the people that when those who are the chosen guardians of the public purse have declared their disposition to abolish a public charge, they should be met by that kind of opposition on the part of the Executive Government, I have the misfortune to differ from him. I hold that such a mode of proceeding is not decorous, and scarcely constitutional. Had it been an attempt to force expenditure on the Government the right hon. Gentleman might have been perfectly warranted in challenging the vote; but, where the House has, by a majority, declared in favour of the abolition of a particular charge, the intimation is entitled at once to the respectful consideration of the Executive Government. So far as regards the proceedings of last April; and, if I understand rightly, the right hon. Gentleman now makes it a charge against the Government that they have not removed from the Estimates the charge of the Charity Commission. It seems that the right hon. Gentleman himself went to work and framed a plan under which a scale of fees was constructed relating to the Copyhold and Inclosure Commission, and estimated to produce £17,000. That scale was, I think, properly framed by the right hon. Gentleman, and properly adopted by my right hon. Friend near me (the Chancellor of the Exchequer). [Mr. HUNT here made an observation.] I beg pardon, the fees were authorized by Act of Parliament. But although £17,000, the estimated amount of these fees, was not the precise equivalent of £20,000, there was so far a compliance with the Vote of the House of Commons. The right hon. Gentleman, however, appears to think that that vote was binding on the present Government in some sense in which it was not binding on the late Government. The vote of the House of Commons, once passed, was not a bit more binding on the Members of the majority than on the minority. The right hon. Gentleman has forgotten to tell us why he did not apply himself to frame a scheme of fees for the Charity Commission. [Mr. HUNT: Because we had no opportunity.] The right hon. Gentleman framed a plan for the Copyhold Commission, why did he not frame a plan for the Charity Commission? The right hon. Gentleman remained in Office nine months, under the vote of the House of Commons, which he twice raised, and which was twice carried against him; but he took no step. [Mr. HUNT made an observation.] If I am to understand that he did take any steps, I am only sorry they did not become known to my right hon. Friend near me, because I am sure my right hon. Friend would have been very glad to have availed himself of any suggestion that, by a direct method of operation, would have relieved the public of the charge of the Charity Commission. But he has given us no account whatever of any proceeding taken by him to fulfil the wishes of the House with regard to the Charity Commission. Well, but we come into power, and he says that his disobedience to the vote of the House with respect to the Charity Commission does not excuse us. That is perfectly true. What did we do? We looked at the matter and found two methods in which effect might conceivably be given to the vote. Looking at it with reference to the direct charge, we did not see our way to get rid of it. But if the right hon. Gentleman is more anxious than we are, and able to devise a method by which we might remove that charge from the Estimates, we shall be too happy to sit at his feet and obtain the smallest contribution towards the public welfare which he may be graciously pleased to bestow on us. We have got another mode of proceeding, and it is to apply to charities the just, rational, and obvious method of prescribing by law that property which is given by persons, when they die or otherwise, not to their own flesh and blood, but to certain objects they choose to prefer, shall pay, like other property, for the protection it receives from the State. And to my perfect astonishment the right hon. Gentleman is so imprudent as to recall the fact that we have already endeavoured to establish this just principle, and says we could not do it. No, Sir, we could not do it. And why? Because the Friends of the right hon. Gentleman would not let us. Because we saw opposed to us, in the Parliament dissolved in 1865, a compact party blanded together almost as one man, when parties were nearly balanced, to oppose the proposal that we made, which would not only have relieved the public from this charge but a great deal more. And that is the plan which, unless we are able to devise a more direct method, we shall desire to give effect to and carry out. But the right hon. Gentleman says—"Why not give effect to it now?" Why do not we postpone the Irish Church to introduce a charge upon charities? Does he not know, if we did introduce such a tax what would be the effect? The time may come when we may impose it, but does the right hon. Gentleman think we are such children in our business as to yield to such a suggestion? Why, we should have immediately banded together not only hon. Gentlemen opposite, but I am sorry to say there would be local agencies exercising a grievous pressure upon divers worthy and enlightened men on this side of the House, We should be compelled to consume day after day in barren and fruitless discussion of a question whether we should levy a tax of £20,000 a year upon charities, and we should be neglecting the promotion of a measure on which we think the harmony of the nation and the prosperity of the country depend. That is our answer to the right hon. Gentleman. I am sorry to be led back over the old ground, because our desire is to go onwards, yet I do not shrink from anything I said to my constituents on the subject of the financial policy of the late Government. On the contrary, I must abide by, extend, and enlarge what I then stated. And I say, on my own part, and on the part of my right hon. Friend the Chancellor of the Exchequer and the Government, that we shall show we entertain the same opinions in regard to the Charity Commission whenever we have the opportunity. Nay, more, if the right hon. Gentleman will kindly rise in his place and give us the assurance, and without delay, that on his side, or upon the Bench on which he sits, if we propose to apply this principle of taxation to charitable among other funds, we shall receive their warm support, and that we shall not find them voting against us, or taking their flight in a mass from the House, as we have seen before to-night, but that we shall have the aid of their speeches—I think, I might promise that my right hon. Friend, without a minute's delay, will be prepared to relieve the public from the expenses of the Charity Commission and a great deal more besides.

Mr. SCLATER-BOOTH said, that the right hon. Gentleman could hardly require much assistance from that (the Opposition) side of the House in his measures, but it was within his own knowledge that many hon. Gentlemen on that side of the House, himself included, agreed with the right hon. Gentleman in the spirit of the proposal which he made to the House in regard to the taxation of charities. He would venture to say that the opposition to it came in a great measure from the other side of the House. The reason why the Government last year opposed the Motion of the hon. Member for Chippenham was that he (Mr. Sclater-Booth) had made inquiry of the Inclosure and Charity Commissioners, and had foreseen and anticipated the difficulty of carrying the Motion into execution. He ascertained that it would be easy to levy a great part of the expense of the Inclosure Commissioners by means of fees, but from the Charity Commissioners he learned that it would be impossible to exact such fees as would reduce to any appreciable extent the Vote of £18,000 a year by the House. He therefore endeavoured to draw a distinction between the two, and not to put the House in the position, by affirming the Resolution, of committing itself to the levying of a property tax on charities. It was represented to him by the Charity Commissioners that it was not fair to tax the charities that applied to them for a better regulation of their affairs, while the charities that kept away were those which ought especially to be taxed. That opened up the large question of levying the income tax on charities. The answer which the Chancellor of the Exchequer, however, gave to the hon. Member (Mr. Goldney) the other night was precisely that which he (Mr. Sclater-Booth) could have given in August last. Upon the issue of that Resolution he applied to the Charity and Inclosure Commissioners, and drew their attention to the Resolution of the hon Member for Chippenham, desiring them to place the Government in a position to give effect to the wishes of the House, and to make those Boards self-supporting. The Inclosure Commissioners applied themselves to the task, and before the close of the Session he passed a Bill through the House. They estimated that fees to the amount of £17,000 might be raised, and that more might be done another year. The Inclosure Commissioners deserved, he thought, considerable credit from the House for what they had done. The Charity Commissioners did not show the same alacrity in adopting the view of the House. They were no doubt impressed by the fear lest the levying of fees should exercise a prejudicial effect by inducing the trustees of charitable funds to refrain from applying to the Commissioners. One suggestion he made was that a percentage of 1 or 2 per cent should be levied on the dividends received by them. The sums on which they received dividend amounted to not less than £3,000,000 sterling, and a small tax on that amount would only be what any agent would charge upon the receipt of income. It appeared, however, that a great number of these charities were of so small an amount that even this moderate change would be ruinous to them, and that the trustees of these charities would not consent to pay it. If there had been a prospect of the late Government holding Office during the present Session, it would have been their duty to bring in a Bill; but the £2,000 a year which the Charity Commissioners were willing to collect amounted to so trifling a sum that it would not, in any commensurate manner, carry out the intentions of the House.

Mr. GOLDNEY said, that whatever the result of the discussion might be, he might congratulate the House that the great principle laid down by the present First Minister of the Crown in his magnificent speech of 1853 had been considerably advanced, and he was happy to hear it was his intention to carry out that principle now that he had a strong party at his back which would enable him to do so. For himself, the course which he took last year with the view of reducing the large expenditure of the Civil Service, which was constantly growing, he should endeavour consistently to pursue; and although on general occasions he was proud to act with his party, yet, as far as financial legislation went, he was prepared to support the doctrines laid down by the Prime Minister. One of those doctrines was that it was the duty of independent Members to check the expenditure, and that attempts in that direction strengthened the hands of the Government against the endeavour of the departments to increase the expenditure. With that view he had contended that it was the duty of the parties, who derived the benefit from the labours of the several Commissions which had been referred to to bear the burden of the expenses attached to those Commissions, and that such expenses ought not to be borne by the public. He had no doubt that the late Government did its best to carry out the Resolution of the late Parliament, but the Resolutions of the House could not always be carried into effect immediately, and it was open to any hon. Member to challenge the Government of the day to carry them out. He was glad that by the carrying of his Resolution the country had already been saved £17,000; per annum; and, whether his own friends or the party opposite were in power, he should conceive it to be his duty whenever he saw an expenditure that could be reduced to challenge the Vote and endeavour to enforce a further saving.

Mr. DISRAELI: Sir, I do not rise to give any instruction to the right hon. Gentleman opposite (the First Lord of the Treasury) in the art of making election speeches, for he has had as much or more experience than myself on that subject, and probably of a later complexion. But I think I may presume to give him some instruction upon making Parliamentary speeches, because I am sure he will agree in the principle I am about to lay down that a person who makes any statements in this House should, if possible, be accurate. The right hon. Gentleman says that, in consequence of a vote at which the House arrived last year, I declared that the matter was of as great importance as the conquest of this country by a foreign foe, and then he argued upon that assumed assertion on my part. Now, I never made any observation of the kind. I made a similar observation not in this House but in another place, and it referred to an issue of a totally different character. Therefore, I can hardly understand why the right hon. Gentleman should, in so needless a manner, have made a statement of this kind, unless he was at the moment influenced by a degree of excitement for which I think no cause whatever was supplied by the constitutional criticisms of my right hon. Friend the Member for North Northamptonshire (Mr. Hunt). I cannot refrain, as I am on my legs, from noticing—and I do so in the interest of the House—the strange doctrine suddenly brought forward by the right hon. Gentleman, that a Minister, who has been beaten in this House by a majority so small that it may be described by a unit, is precluded from asking the opinion of the House upon another occasion, if he thinks there is a chance of its arriving at a different conclusion. And what is the extraordinary ground upon which he founds this new principle in Parliamentary practice? It is, forsooth, because the voice of the country and the opinion of the House having been once ascertained by this magnificent majority of 1, even if the Minister was aware that a considerable number of Gentlemen had entered the House at a subsequent period, he is not to take the chance of the majority being decided in his favour by that accident. Do not those Members who entered the House at a subsequent period represent the country as well as the solitary individual who composed that majority? There are instances without number in which Ministers have taken the opinion of the House on a second occasion, after having been defeated on the first; and not only upon the same subject, but on the same night. Of course the period of time cannot influence the principle. But what are we to think of the more important instances of rescinding a vote on a matter of great importance, such as a matter of taxation? Look at the case in which the vote arrived at by the House on the malt tax, I think in 1835, was rescinded. If the doctrine now laid down be the correct one, how are we to defend the conduct of Sir Robert Peel when he came down and called on the House to rescind that vote? Are we, in consequence of the views as to the management of business in this House now put forward by the right hon. Gentleman, to say that the conduct of Sir Robert Peel, when he called on the House to rescind that rash vote was unconstitutional, and that his conduct as a Minister was reprehensible? Every man must feel that it would be impossible to carry on the business of a free House of Commons if views put forward by the right hon. Gentleman in a rash moment, and supported by the cheers of Gentlemen who, I suppose, are to represent the new Members, were to be adopted as a rule. But let us take a later case than the one to which I have just alluded. Let us take the case of the vote arrived at on the sugar duties, which disturbed — I will not say entirely, but to some extent—the financial arrangements of the Government, I think in 1844. Why, the Government did not hesitate then to call on the House to rescind that vote; and though Sir Robert Peel moved the rescision, I believe the Minister whose department the vote affected was the right hon. Gentleman now at the head of the Government. I may be wrong as to his particular Office, but this I am sure of—that the right hon. Gentleman was a Member of that Government, and, of course, gave his consent to the course the Government took on that occasion. Sir, this new dogma that the Government are not to take the opinion of the House a second time on an issue on which it may once have divided, and on which a decision may have been come to by, perhaps, a majority of 1, is a dogma which I think this House will not sanction with its approbation. This, though an inexperienced House, must not take a course which was invented for the occasion by the right hon. Gentleman at an election in Lancashire, which I am willing to forget, but which appears to have excited him to a high degree of that rhetorical spleen of which he is a master. Now I do not think the right hon. Gentleman has been candid in his answer to my right hon. Friend the Member for Northamptonshire. The case of the Inclosure Commissioners is a very strong one indeed. The right hon. Gentleman does not deny that in his agitating tour of last autumn he made a distinct charge against the late Government that they were sanctioning a profuse and unnecessary expenditure of public money, and in support of that charge instanced this case of the Inclosure Commissioners. It is perfectly clear that the right hon. Gentleman was unaware at the time that in the preceding Session of Parliament a Bill, introduced by my hon. Friend the Secretary of the Treasury in the late Government, attained the very results which he denounced us for opposing. If the right hon. Gentleman was aware that a Bill of that kind had been introduced by my hon. Friend, and had been passed, no doubt his natural candour of mind would have prevented him from making the statements he has to-night, and the statements which he made in the autumn. With regard to the Charity Commissioners, it is now said that the Government have not time to take a course which we believe would not have occasioned them much trouble or occupied them for a very long period. They can re-construct the whole of our ancient system of taxes; they can make plans which will effect a great change in the collection of the taxes of the country; and yet they cannot give their attention to this particular subject. Sir, I think the answer of the right hon. Gentleman to my right hon. Friend has not been a candid and satisfactory one. A statement made with the clearness and total absence of acerbity which characterized the statement of my right hon. Friend ought not to be met with a torrent of taunts. That is not the way in which the business of the House can be satisfactorily conducted. The right hon. Gentleman says that, in consequence of his speeches, my right hon. Friend found it necessary to look to the finances of the country, and to make certain arrangements to secure a reduction of expenditure. I dare say the right hon. Gentleman has great confidence in the eloquence of his speeches — and he has cause for it — but I can, however, assure the right hon. Gentleman that my right hon. Friend was influenced in the course he took by nothing else than a sense of duty. His attention was before that period directed to the state of our finances by those official and authentic sources of information with which the right hon. Gentleman is perfectly familiar, and which are open every week on his desk in Downing Street. I think it must have been in the month of July, and long before the right hon. Gentleman commenced his electioneering campaign, my right hon. Friend called the Cabinet together, laid before us the condition of affairs, and made those arrangements which, though unfortunately the revenue did not rally while we were in Office, had still the effect of preventing a deficit from occurring. I think it right to make that statement in support of the observations of my right hon. Friend, as otherwise a very erroneous impression might pervade the House in reference to this matter. I think my right hon. Friend was perfectly justified in calling the attention of the House to the conduct of the Government with reference to matters not in reality of great importance, but of the merits of which—they having unnecessarily been made of great importance—it is desirable that the House should form a true conception. It is quite clear that when the right hon. Gentleman (Mr. Gladstone) made that rash and reckless accusation against the late Government with reference to the Inclosure Commissioners, he was perfectly ignorant of the fact that we ourselves had introduced and passed a Bill which entirely remedied the real grievances complained of.

Mr. GLADSTONE: Sir, I do not rise for the purpose of continuing the controversial part of the debate, but merely because I am desirous of making some explanation with regard to a statement attributed to me by the right hon. Gentleman (Mr. Disraeli). The right hon. Gentleman alleges that that statement was inaccurate, and therefore it is necessary that it should be clearly understood what that statement was. It was with reference to the vote of last year, and the right hon. Gentleman says that I was inaccurate in saying that he had asserted that the declaration of this House last year with reference to the Irish Church was calculated to be more destructive than a foreign conquest. The right hon. Gentleman, however, attributes to me that which I did not say. What I did say was that I had understood that the right hon. Gentleman had declared that "the consequences" of that declaration by this House would be more mischievous than a foreign conquest. That is what I understood the right hon. Gentleman to say, and what I believe him to have said. I have further to say that I never laid down the doctrine for one moment—on the contrary, I have always most explicitly guarded myself from being understood to lay down the doctrine—that the Government is never justified in asking a second time the judgment of this House upon a question. What I did say was this—that the manner in which the Government had challenged the decision of the House on the particular occasion referred to with respect to a vote by which the House had refused an item of expenditure was, in my opinion, scarcely decorous and scarcely constitutional. The right hon. Gentleman calls that statement rash and ill-considered. I call it measured, true, and constitutional.

Mr. DISRAELI: I have no desire to prolong this controversy. I only rise in answer to what I look upon as an appeal on the part of the right hon. Gentleman. The right hon. Gentleman says that the statement I was understood to make with reference to the vote of the House last year upon the question of the Irish Church was that it was in mischievous effects equal to a foreign conquest. Well, I most unreservedly contradict that statement. I did certainly say, or write, on one occasion—and this will probably be the origin of the error on the part of the right hon. Gentleman—I did certainly say, abstractedly speaking of England, that I believed that the severance of the Union between Church and State would be an event in its consequences as deplorable as foreign conquest; but how far the right hon. Gentleman is justified in regarding that observation, made only in reference to the possible effect of a severance between Church and State in England, as a statement having reference to the decision of this House last year upon the question of the Irish Church, I leave the House to decide.

Mr. DILLWYN said, he believed that hon. Members had met that evening for the purpose of business. He quite understood the necessity for this Vote on Account. His object in rising was to earnestly impress upon the Government the propriety of presenting these Estimates to the House at an earlier period of the Session in future. The House was asked to give a Vote on Account for Estimates which had not yet been placed in their hands, and he, therefore, trusted that they would have an assurance from the Secretary of the Treasury that these Estimates would be shortly placed before them.

Vote *agreed to.*

Resolved, That a sum, not exceeding £1,586,800, be granted to Her Majesty, on account, for or towards defraying the Charge for the following Civil Services, to the 31st day of March 1870:—

Class I.

Great Britain :—	£
Royal Palaces	9,000
Royal Parks	22,000
Public Buildings	20,000
Furniture of Public Offices	2,000
Westminster Palace, Acquisition of Land	4,000
Houses of Parliament	8,000
Public Offices Site	8,000
New Home and Colonial Offices	5,000
Public Record Repository	5,000
Chapter House, Westminster	600
Probate Court and Registries	1,500
Sheriff Court Houses, Scotland	5,000
National Gallery Enlargement	9,000
University of London Buildings	5,000
Glasgow University	3,500
Edinburgh Industrial Museum	1,500
Burlington House	10,000
Post Office and Inland Revenue Buildings	22,000
Harbours of Refuge	11,000
Portland Harbour	1,000
Metropolitan Fire Brigade	1,500
Rates on Government Property	5,000
Wellington Monument	500
Palmerston Monument	200
Ireland :—	
Public Buildings	25,000
Ulster Canal	500
Abroad :—	
Lighthouses Abroad	5,000
Embassy Houses: Paris and Madrid	600
Embassy Houses and Consular Buildings: Constantinople, China, Japan, and Tehran	15,000

Class II.

England :—	
House of Lords, Offices	7,500
House of Commons, Offices	9,000
Treasury and Subordinate Departments	10,000
Home Office and Subordinate Departments	14,000
Foreign Office	11,500
Colonial Office	5,500
Privy Council Office and Subordinate Departments	7,000
Board of Trade and Subordinate Departments	16,500
Privy Seal Office	500
Charity Commission	3,000
Civil Service Commission	1,500
Copyhold, Inclosure, and Tithe Commission	3,500
Copyhold, Inclosure, and Drainage Acts Expenses	2,000
Exchequer and Audit Department	6,000
General Register Office	7,000
Lunacy Commission	1,000
Mint	7,500
National Debt Office	2,500
Patent Office	5,500
Paymaster General's Office	3,500
Poor Law Commission	35,000
Public Record Office	4,000
Public Works Loan Commission	750
Registrars of Friendly Societies	400
Stationery Office and Printing	68,500
Woods, Forests, &c., Office of	4,500
Works and Public Buildings, Office of	£5,500
Secret Service	4,500
Scotland :—	
Exchequer and other Offices	1,000
Fishery Board	2,000
General Register Office	1,000
Lunacy Commission	1,000
Poor Law Commission	4,000
Ireland :—	
Lord Lieutenant's Household	1,000
Chief Secretary's Office	4,000
Boundary Survey	200
Charitable Donations and Bequests Office	500
General Register Office	3,500
Poor Law Commission	16,000
Public Record Office	750
Public Works Office	4,500

Class III.

England :—	
Law Charges	7,000
Criminal Prosecutions	33,000
Common Law Courts	11,000
County Courts	81,000
Probate Court	15,000
Admiralty Court Registry	2,500
Land Registry Office	1,000
Police Courts, London and Sheerness	5,500
Metropolitan Police	35,000
County and Borough Police, Great Britain	47,000
Government Prisons, England, and Transportation	52,000
County Prisons and Reformatories, Great Britain	47,000
Broadmoor Criminal Lunatic Asylum	5,500
Miscellaneous Legal Charges	3,500
Scotland :—	
Criminal Proceedings	12,500
Courts of Law and Justice	9,000
Register House Departments	3,500
Prisons	4,000
Ireland :—	
Law Charges and Criminal Prosecutions	14,500
Court of Chancery	7,500
Common Law Courts	5,000
Court of Bankruptcy and Insolvency	1,500
Landed Estates Court	2,000
Probate Court	2,000
Admiralty Court Registry	500
Registry of Deeds	2,500
Registry of Judgments	500
Dublin Metropolitan Police	16,000
Constabulary	151,000
Government Prisons and Reformatories	13,500
County Prisons	1,500
Dundrum Criminal Lunatic Asylum	800
Four Courts Marshalsea Prison	400
Miscellaneous Legal Charges	1,500
Abroad :—	
Convict Establishments in the Colonies	21,500

Class IV.

Great Britain :—	
Public Education	140,000
Science and Art Department	37,000
British Museum	19,000
National Gallery	2,500
National Portrait Gallery	300
Learned Societies	2,000

University of London	£1,500
Universities, &c. in Scotland	3,000
Board of Manufactures, Scotland ..	500
Ireland :—	
Public Education	62,000
Commissioners of Education (Endowed Schools)	100
National Gallery	500
Royal Irish Academy	300
Queen's University	500
Queen's Colleges	700
Belfast Theological Professors, &c. ..	400
Class V.	
Diplomatic Services	39,000
Consular Services	43,500
Colonies, Grants in Aid	11,000
Orange River Territory and St. Helena	500
Slave Trade, Commissions for Suppression of	1,000
Tonnage Bounties, &c.	6,000
Emigration	2,000
Coolie Emigration	100
Treasury Chest	5,000
Class VI.	
Superannuation and Retired Allowances	48,500
Merchant Seamen's Fund Pensions, &c.	8,000
Relief of Distressed British Seamen ..	7,500
Non-Conforming Clergy, Ireland ..	7,000
Hospitals and Infirmaries, Ireland ..	3,000
Miscellaneous Charitable Allowances, &c. Great Britain	1,000
Miscellaneous Charitable Allowances, &c. Ireland	1,000
Class VII.	
Temporary Commissions	7,500
Local Dues on Shipping	7,500
Malta and Alexandria Telegraph, &c.	200
Flax Cultivation, Ireland	500
Miscellaneous Expenses	6,000
Total	£1,586,800

House *resumed.*

Resolution to be reported upon *Monday* next;

Committee to sit again upon *Monday* next.

INCLOSURE OF LANDS BILL—[Bill 31.]

(*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce.*)

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

Mr. FAWCETT said, it was not his fault that he was obliged to bring on a discussion on this subject at so late an hour. On the previous night an undertaking had been given by the Government that the Bill would not be brought on after eleven o'clock; and why eleven o'clock should be too late on Thursday night and half-past eleven o'clock early enough on Friday night he was at a loss to imagine. This Bill had been hurried through its earlier stages just after the Irish Church debate, when Members were leaving town; and the Under Secretary of State for the Home Department actually attempted to lay down the doctrine the other evening that Inclosure Bills ought to pass as a mere matter of form. He was told at once that any Government which attempted to enforce such a view would contravene the spirit of an Act of Parliament. There was no portion, in fact, of the authority of the House which he would not rather delegate to Commissioners than the power of enclosing land. If a bad law were enacted or an unjust tax imposed, the law could be altered or the tax repealed; but if the labouring poor suffered an injustice by the enclosure of land, the evil continued and the question passed at once and for ever out of the hands of Parliament. Inclosure Bills were based upon an Act, passed in 1845, and the distinguished statesman who was mainly instrumental in passing that measure laid it down again and again that a special object of that Act was to insure to the House the opportunity of fully and adequately discussing year by year the Inclosure Bills that were brought in. In that opinion Mr. Buller was supported by the late Duke of Newcastle, who said, that, without making any accusation against Select Committees, he had come to the conclusion that, in nineteen cases out of twenty, the interests of the poor had been systematically neglected by those Committees, it being absolutely impossible for the poor to appear before them personally or by counsel. The Act of 1845 was based upon the Report of a Select Committee appointed in 1843, of whose recommendations one of the most important was that, in every enclosure where it was possible some land should be retained by way of allotments for the labouring poor, that this land should be let to the poor at a fair agricultural rent, and that the proceeds be handed over to the parochial authorities towards payment of the rates. The Committee justly concluded that if this were carried out a great boon would be conferred upon the poor, and a great relief afforded to the local rates. Since that time 320,000 acres of land have been enclosed; and what has been the result as regards the labouring poor? Why, that their interests have been systematically neglected; the whole amount of land recovered has been 2,000 acres. But this Bill is even worse than its predecessors. Excluding Wisley, as had been done, the Bill proposed to enclose 7,000 acres, and the quantity reserved out of this large tract has been the insignificant, contemptible amount of four acres. The House ought not to pass the Bill until they obtained further information regarding it. He made no accusation against the Inclosure Commissioners, but the reasons given in support of these enclosures in their Report ought to be much more explicit. Of the fourteen enclosures proposed to be sanctioned this year, it was stated in one case as the reason why no land was reserved that it was "too steep," but a little further on, as a reason why it should be enclosed, it was said to be admirably adapted for agricultural purposes. If it was too steep to be cultivated by the spade husbandry of the poor, how was it at the same time fitted for the plough? As to another common, the reason assigned for not preserving any portion was that it was overstocked. What did that mean, except that the demand for common land among the poor was such that they put too many animals to graze upon it? In another case the common was said to be too far off, lying about two miles from the village. But why did not the Commissioners exercise the power of exchange, which they possessed, securing for the poor by this means a slice of land near the village? The Report of the Commission of Inquiry into the condition of Women and Children employed in Agriculture described the state of our labouring rural population as most unsatisfactory, and not so comfortable in many respects as it was four centuries ago. Between 1760 and 1845 no less than 7,000,000 acres of land were enclosed, and the Commissioners stated that in the great majority of instances the interests of the labouring poor had been completely neglected. Had these enclosures been made with proper care for the interests of the people, he believed it would have made the present condition of our labouring population very different from what it was now. One great lesson these facts ought to teach the House of Commons, and that was to scrutinize narrowly every fresh proposal for enclosure as it came before them. He based his opinions on the doctrines laid down in 1845 by Sir Robert Peel, who said that the House ought to look after the rights of the labouring poor and their successors. That eminent statesman remarked that, although a man might receive a pound or two by way of compensation for the abolition of his right to turn a horse or a cow on to a common, yet the money would be spent in a few weeks, and nothing would be left for the poor man's successors. He (Mr. Fawcett) was determined that in future these Inclosure Bills should not pass unchallenged. This was a matter which did not affect the agricultural labourers only, for the Commissioners themselves said that, with regard to allotments, the working men in large towns were, perhaps, even more deeply interested than the labourers in country districts. Allotments placed within the reach of the artizan many luxuries and comforts, besides giving him healthy recreation, which would benefit him physically and morally. The agricultural labourers had no direct representatives in that House—he wished they had—but that was the very reason why their interests should be earnestly and closely watched over. He was most anxious that those agricultural labourers who possessed rights in the soil should no longer have those rights ignored and neglected without a protest being made in the House of Commons, and he therefore moved that the Bill be re-committed.

Amendment proposed,

To leave out from the words "Bill be" to the end of the Question, in order to add the words "re-committed, in order that from the proposed Inclosures some land may be reserved as allotments for the labouring poor, in accordance with the provision of the Act 8 and 9 Vic. c. 118, sections 30 to 34,"—(*Mr. Fawcett*,)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. KNATCHBULL-HUGESSEN would readily admit that the object of the hon. Member for Brighton was most excellent, but thought the hon. Gentleman had promoted it in such a manner, and at such a time, that the result would be detrimental to the very object he had in view. The question that had been raised was a very large one—namely, whether the poor had been sufficiently well treated under the provisions of the Acts of Parliament relating to enclosures. His hon. Friend had truly stated that in the debates of 1845, when the present General Inclosure Act was brought in, Gentlemen of eminence and ability asserted that the interests of the poor had been neglected. But it was for that very reason that, in the interest of the poor, the Bill of 1845 was introduced. Prior to that time all enclosures which were effected by Acts of Parliament were effected by means of Private Bills. But it was impossible for the poor to be at the expense of appearing before Private Bill Committees of the House of Commons, and they were therefore placed at great disadvantage. The object of the Act of 1845 was to remedy this evil and to provide a cheap and local inquiry which should precede the enclosure of common lands. He (Mr. Knatchbull Hugessen) would beg the House, and those Members especially who had not made themselves acquainted with the existing system, to consider for a moment what that system really was. The Commissioners could initiate nothing until application had been made to them by persons interested to the amount of one-third in value of the lands proposed to be enclosed. They then sent down an Assistant Commissioner, who, after due notice, summoned a meeting to hear any objections to the proposed enclosure, and after full and careful enquiry, made his report. If that report was in favour of enclosure, the Commissioners made a provisional order, of which again full notice was given—another meeting was held to obtain the consent of those interested, and nothing could be done unless the consent was obtained of those interested in two-thirds of the value of the lands proposed to be dealt with. Then, after ample opportunities had been given for objections to be raised, a Bill was introduced into that House to confirm the previous acts of the Commissioners, and when that confirmation was given, the matter went on. But now, after all these preliminary acts had been done without any objection, the hon. Member for Brighton wished to step in and refuse to allow these enclosures to proceed, on the ground that the poor had not had awarded to them sufficient allotments. But there had been no complaint whatever of this kind with regard to any of the commons with which this Bill proposed to deal. If the hon. Member had brought forward any specific charge relating to the case of any one particular common, he (Mr. Knatchbull-Hugessen) on being satisfied that there were any fair grounds for such charge, would have acted as he had done in the case of Wisley Common, and would have withdrawn that case and referred it to a Select Committee. But there being only a general idea of wrong to the poor expressed by the hon. Member for Brighton, it was hardly desirable that he should enforce his views by obstructing the third reading of the present Bill. Those who wished for an alteration of the law would do better to propose that alteration in a definite manner, or move for a Select Committee to consider the whole question of enclosures. Now, it was a great mistake to suppose that the Commissioners did not entertain and fully consider the question of allotments to the labouring poor. They did so in every case to which the allotment clauses of the Act were applicable, and they exercised the discretion which was left to them by the Act. It might be doubted whether that discretion should be so left to them; but if the House took a contrary view, and wished that, in every case, without reference to local circumstances, a certain quantity of land should be set out as allotments, let them make that alteration in the law, and the Commissioners would doubtless be ready to carry it out. Now, with regard to what had been already done, he (Mr. Knatchbull-Hugessen) had made careful enquiry, and indeed, long before the Notice of the hon. Member for Brighton, the attention of the Home Office had been called to this matter by the Report of the Commission appointed to inquire into the condition of Women and Children employed in Agriculture. The Inclosure Commissioners had lately obtained answers from 105 localities in which they had made these allotments, with the following results. In seventy cases the allotments made by the discretion of the Commissioners were reported to be perfectly ample and sufficient, in ten cases they were insufficient—that is to say, that more land could have been let, had more been allotted; in seventeen cases they were reported as being more than sufficient and found not to be used. In the remaining eight cases the answers were not explicit. Now he had inquired into the enclosures proposed by the present Bill and was assured that the Commissioners had carefully considered each case. It must be remembered that the circumstances of enclosures varied greatly; and it was a mistake to suppose that it was a wise and salutary thing to make these allotments everywhere without due inquiry and consideration. In certain parts of the country they might be most desirable, whilst in others they were of very doubtful advantage. For example—was a rule to be laid down that on a bare mountain side, where no labouring poor existed within several miles, allotments should nevertheless be set out for the labouring poor? But the truth was that there was another principle held by some hon. Gentlemen, upon which he would offer no opinion of his own at that moment—namely, the principle of providing allotments for a prospective population. The Commissioners assigned as the reason why they had not made allotments in some cases, that every existing cottage had a sufficient garden. The House might alter the law, if it pleased, by directing that in all cases an allotment should be set out for every cottage in the parish or district, or a certain portion of land reserved for a prospective population; but then, let such a provision be duly set forth in an Act of Parliament, and do not blame the Commissioners for having exercised, to the best of their ability, the discretion hitherto entrusted to them by Parliament. So far as he (Mr. Knatchbull-Hugessen) could gather he believed they had acted fairly and impartially, and with a due regard to the interest of the commoners. The hon. Member appeared to wish to deal with the question from a broad and national point of view; let him then move for a Select Committee, or bring in a Bill upon the subject, and it should receive the fairest consideration. The desire of the Government was to give every attention to the interests of the poor who were not there to speak for themselves. His right hon. Friend at the head of the Home Department had long been, and still was, as anxious as any man that the interests of the poor should be well considered in all these cases of enclosure and, for himself, he fully shared in that anxiety. The House, however, must not forget that there were other points to consider. It was easy to rise in that House and assume a popular position as the especial champion of the poor, but there were rights of property which must also be considered. Although no lawyer, he believed his law would not be disputed, when he stated that the legal right to these common lands was vested in the Lord of the Manor, and in those persons, rich or poor, having certain common rights which were of a varied character. All these persons were invariably considered, and their claims fully dealt with in the case of an enclosure. The rights of the public were really of an indefinite character—such as right of way—and did not exist to the extent which some persons imagined. Of course it was desirable to preserve open spaces near large towns; no one was a stronger advocate than himself of such preservation, and Parliament could, if it pleased, pass a general enactment that no such spaces should be enclosed within a certain distance of the metropolis and other large towns. This, however, was not the present question. Wisley having been removed from the Schedule, none of the commons dealt with in the present Bill were near to large towns, and it was hardly right, at the third reading, when no individual complaint had been made in any case, to step in and prevent persons, who had in every respect complied with the Act of Parliament and had incurred expenses in so doing, from proceeding in the ordinary way pointed out by law. Rather let them pass the present Bill and deal afterwards with the general question. In that way they would arrive at a more satisfactory conclusion than by re-committing this Bill, and he therefore hoped that the hon. Member would not press his Amendment.

Mr. T. HUGHES moved the adjournment of the debate.

Lord JOHN MANNERS said, he had hoped that some determination would have been arrived at that night upon the Motion of the hon. Member for Brighton (Mr. Fawcett); but he thought after the speech of the Under Secretary of State for the Home Department (Mr. Knatchbull-Hugessen), the question had assumed an aspect which called for its further discussion by the House. The Under Secretary blamed the hon. Member for Brighton (Mr. Fawcett) for introducing a question of that nature at the time he had done so; but it appeared to him the hon. Member was perfectly innocent in that respect, as he had only brought forward his Amendment at a stage of the Bill proposed by the Government. The Under Secretary said that if the hon. Member for Brighton would propose some distinct inquiry on the question there would be no objection to that; but that the present Bill should be passed without further discussion. Now, for himself, he confessed he was unable to reconcile the statements made by the Under Secretary. If they were clearly to understand that no complaints whatever had been brought before the Home Office against any enclosure proposed by that Bill, then there might be force in the argument of the Under Secretary; but if any such complaints had been brought before the Home Office, then he thought the Amendment of the hon. Member was justifiable in point, not only of time, but also of substance. His impression was that, at the time the Act of 1845 was passed, it was the intention of Parliament that whenever an enclosure was made there should be a reservation for the purposes both of recreation and allotment. For a time after the passing of the Act such reservations were made; but, of late years, the practice, he believed, had been very much the other way. He thought the hon. Member for Brighton had a *primâ facie* case for inquiry; but if the Secretary of State for the Home Department would say that no complaints had been made with respect to any one of these enclosures, then the House would have a right to ask the hon. Member to put his case in a more distinct form without reference to the particular matter now before them.

Mr. GOLDNEY said, he hoped the hon. Member for Frome (Mr. T. Hughes) would withdraw his Motion. The discussion was entirely on a collateral issue, and the Bill ought to pass.

Mr. BRUCE said, with reference to what had fallen from the noble Lord (Lord John Manners), no objection, he believed, had been made, and none could have been made unknown to him, except with respect to Wisley Common, and they had consented to its withdrawal from the Bill in order that the enclosures, to which there had been no objection, should go on. This was a matter of mere administration. The Bill had gone through its other stages in the ordinary way, it had passed through Committee, and now stood for third reading; and yet, without any intimation that injustice would be done, or any complaints being heard from the persons affected, they were asked to re-commit it, in order to make special investigation and to invite objections. Under these circumstances, it was for the House to say what they would do with the Bill. For his part, he had no objection to the fullest investigation; but he would appeal to the hon. Member whether it was worth while to pursue the discussion on the Bill, and whether it would not be better to raise the question on the general principle.

Mr. LOCKE said, that the Secretary of State for the Home Department had stated that no objection had been made to the Bill by the persons affected. But what the hon. Member for Brighton (Mr. Fawcett) contended was that the persons who were likely to suffer by it would not be able to make their complaints heard, and that was the strong ground upon which he asked the House to re-consider the question. What were the facts? It was proposed by the Bill that 7,000 acres of land should be enclosed, and, in spite of the provisions of the Inclosure Acts which directed that certain allotments should be made to the labouring poor, out of these 7,000 acres only four acres was left to them. Now he would ask whether that simple fact would not appeal to the House for the postponement of the third reading? The Under Secretary had said that they had better let this Bill pass, and raise the question on some other measure. But they could not imagine that even Inclosure Commissioners would always act in the extraordinary manner in which they seemed to have done on the present occasion. Did the Inclosure Commissioners enjoy that lofty position which had been ascribed to them? The Under Secretary had said that the House of Commons had referred to these Commissioners the power of disposing of these lands. The House of Commons had done no such thing. If it had, why should this Bill come before the House? Now, what had the Home Secretary himself already done? He had struck Wisley Common out of the Schedule. But had he done so upon the representation of the poor people? Not at all; but because there appeared to many hon. Members to be what had been sometimes designated "a gross job." The Secretary of State for the Home Department had said that no complaints had been made; but how were these poor people to make their complaints heard at the Home Office? What was the hurry in this matter? Was the right hon. Gentleman afraid that something else would be found out? He hoped that the debate would be adjourned. He submitted that the judgment of the Commissioners ought not to be accepted as conclusive. The Commissioners had sent the Bill to that House; and unless they were to stultify themselves, they would pronounce an opinion upon it.

Mr. GLADSTONE said, it would no doubt have been desirable that the debate should have closed; but, under the circumstances, the Government would offer no opposition to the Motion of his hon. Friend the Member for Frome (Mr. T. Hughes). But if they were to adjourn the debate, they had better adjourn it at once.

Debate *adjourned* till *Monday* next.

SEA BIRDS PRESERVATION BILL.

(*Mr. Sykes, Mr. Clay, Mr. Ward Jackson.*)

[BILL 59.] CONSIDERATION.

Bill, as amended, *considered.*

Mr. SYKES moved, after Clause 7, to insert the following clause:—

> "Where any offence under this Act is committed in or upon any waters forming the boundary between any two counties, districts of quarter sessions or petty sessions, such offence may be prosecuted before any justice or justices of the peace in either of such counties or districts."

Clause *added.*

Mr. FORDYCE moved that the Bill be re-committed, in order to exclude Scotland from its operation. He would assure the House that, in making the Motion, he was not actuated by any feeling of hostility towards sea birds; but he entertained a strong conviction that the wholesale destruction of these birds, which, according to the promoters of the Bill, was so common in England, had never extended to Scotland, and therefore to extend the provisions of the measure to that part of the United Kingdom was wholly unnecessary. It certainly was not a measure which should be unnecessarily extended to any portion of Great Britain—it was, in fact, an extension of the Game Laws, and that with a severity unknown hitherto, at all events, in Scotland. It placed a great variety of birds practically in the game list, and enacted various penalties, ranging from £1 to £2 and upwards, for infringements of the Act. In addition, one of the provisions of the Bill gave power to any person to demand the name and address of anybody else who he might think was attempting to infringe the Act; and if such person refused to give his name and address, and was afterwards convicted, he was liable, in addition to the other penalties, to be mulcted in a penalty of £2, one-half of which went to the informer. Now, this was a provision which was not to be found even in the Game Laws. It was, in fact, a bribe to policemen and gamekeepers to enforce the Act. Another provision of the Bill proposed to extend the jurisdiction of justices of the peace. Now this was directly contrary, not only to the general feeling of the people, but to the wishes of the justices of the peace themselves. And the Bill gave this extension in the most objectionable form, for it empowered the justice to convict on any evidence he might think proper to admit. Even the Game Laws bound the justices to convict on the evidence of "two or more credible witnesses, or other legal evidence." Then after the justice had convicted the offender, the Bill provided no machinery for enforcement of the penalty—in fact, it was quite evident that the Bill had not been drawn by a lawyer—it was of such a nature as to be practically inoperative in ninety-nine cases out of 100, and oppressive in the hundredth. Such being the character of the Bill, he said that it should not be extended to Scotland, without very good reasons being shown. Now, had such reasons been shown to the House? Had it been shown to the House that the number of sea birds in Scotland was on the decrease? It had not; and he believed that evidence to that effect could not be adduced. He believed that hon. Members from Scotland would agree that the number of sea birds remained very much as it was. It certainly had not been asked for, for only one Petition had been presented in its favour, while ten times as many had signed the Petitions against it.

Motion made, and Question, "That the Bill be re-committed for the purpose of excluding Scotland from its operation,"—(*Mr. Fordyce,*)—put, and *negatived.*

Bill to be read the third time upon *Monday* next.

BEVERLEY ELECTION.

MOTION FOR AN ADDRESS.

THE ATTORNEY GENERAL said, he rose to move that an Address be presented to Her Majesty, praying for the appointment of a Commission to inquire as to the prevalence of corrupt practices at Beverley during the last Election. Before entering upon the question he desired to supplement a statement he had made respecting the Norwich Election, to the effect that a number of half-sovereigns had been laid out upon a table at the bank. The cashier had denied this, and said he had given the half-sovereigns to the person who applied for them. It would, however, be for the Commissioners to say which of these stories was correct. In the case of the Beverley Election he proposed to confine himself to the Report of the learned Judge, for he agreed with the opinion expressed by the late Secretary of State for the Home Department (Mr. Gathorne Hardy), that the House should act upon the Report of the Judge, who above all other persons was most competent to form an opinion on the case he had tried. Not only had the Judges heard the evidence and marked the demeanour of the witnesses in the cases which had come before them, but they were eminent public functionaries of great learning, who had devoted their lives to the hearing of evidence and the sifting of testimony. If the House entered upon an inquiry as to whether the decision arrived at was just, it would inevitably lead to interminable and fruitless debates. He would content himself by calling attention to the Report of the learned Judge. If the case of Norwich was a bad one, and if that of Bridgwater was possibly somewhat worse, the case of Beverley was much worse than both put together, for there was more corruption at Beverley than there was at the other two places. He would confine himself to such parts of the judgment as were material for consideration. The learned Judge reported—

> "That the number of persons who were proved at the said trial to have been guilty of corrupt practices was one hundred and four, and that their names are written in the Schedule hereunto annexed. And, in further pursuance of the said Act, I report that corrupt practices did prevail, and that there is reason upon the evidence before me to believe that they did extensively prevail, at the said Election."

The learned Judge gave an outline of the leading features of the election; and the three concluding paragraphs of the Report of Mr. Baron Martin were as follow:—

> "I was perfectly satisfied upon the whole of the evidence that more than 800 Parliamentary Electors were bribed, and what several witnesses stated to have been said to them by the persons who bribed them — namely, that the bribes were for the Parliamentary Election as well as the Municipal Election was the truth. The persons who were alleged to have made these statements were all named, and not one of them were called to contradict it. The excuse alleged for this bribery was that the Liberal party were doing the same. It was stated by Mr. Norfolk that his reason for drawing out the money on the Monday was, that he was told the Liberal party were paying twenty-five shillings a vote with money supplied by Messrs. Maxwell and Trollope, who were at that time in the Borough as candidates. I had no means of investigating this matter as it was not in issue in the Petition before me, nor did I think it right of myself to continue the examination of the witnesses called beyond the examination and cross-examination of the learned counsel. The only witnesses called for the Respondents were Mr. Norfolk and Mr. Wreghitt and the Respondents themselves, neither Mr. Lowther or any of the other persons who paid the bribes were called. If it be thought right to have the condition of this Borough with regard to the general prevalence of bribery and corruption thoroughly investigated it can only be done by a Commission issued in pursuance of the 15 & 16 *Vict.* c. 57."

The flimsy pretext was made that the corruption practised was intended solely to influence the municipal election, and had nothing to do with the Parliamentary election, but the learned Judge investigated that allegation, and he came to the conclusion that it was a mere pretext, that the bribes that were given at the municipal election were intended to cover the Parliamentary election, and in fact did so, and that the giving of these bribes was the cause of the return of the sitting Members. It appeared to him that the House would hardly take upon itself to say that the Judge was wrong in the conclusion he came to. As to the excuse alleged for the bribery, "that the Liberal party were doing the same," he thought that highly probable, and it only made the case for a Commission all the stronger. Far be it from him to say that all the reported bribery was on one side; and if 800 voters were bribed by one party and more were bribed by the other he should like to know how many were not bribed. The learned Judge intimated as strongly as it would be respectful in him to do that this was a case for a Commission. Having read the evidence, he thought it entirely bore out the Report of the learned Judge.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, as followeth:

"Most Gracious Sovereign,

"We, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, beg leave humbly to represent to Your Majesty, that Sir Samuel Martin, knight, one of the Barons of the Court of Exchequer, and one of the Judges selected for the trial of Election Petitions, pursuant to the Parliamentary Elections Act, 1868, has reported to the House of Commons, that corrupt practices did prevail, and that there is reason, upon the evidence before him, to believe that they did extensively prevail at the last Election for the Borough of Beverley.

"We therefore humbly pray Your Majesty, that Your Majesty will be graciously pleased to cause inquiry to be made pursuant to the Provisions of the Act of Parliament passed in the sixteenth year of the reign of Your Majesty, intituled, 'An Act to provide for more effectual inquiry into the existence of Corrupt Practices at Elections for Members to serve in Parliament,' by the appointment of Michael O'Brien, esquire, Serjeant at Law, Thomas Irwin Barstow, esquire, Barrister at Law, and Homersham Cox, esquire, Barrister at Law, as Commissioners for the purpose of making inquiry into the existence of such corrupt practices."—(*Mr. Attorney General.*)

SIR LAWRENCE PALK said, he quite admitted that, under ordinary circumstances, a recommendation such as the learned Judge had made in this case ought to be accepted indisputably by the House. So long as the trial of election petitions was delegated to the Judges, the representations of a Judge ought undoubtedly to be submitted to and supported. But in this case there were special and exceptional circumstances which the House ought to consider. The learned Judge reported that "no corrupt practice was proved to have been committed by or with the knowledge or consent of any of the candidates," and, therefore, the candidates—Whig or Tory—were not implicated in the corrupt practices. In one paragraph the learned Judge said—

"It appeared that Sir Henry Edwards first came to Beverley as a candidate in the year 1857, upon the invitation of a Mr. Wreghitt, a draper in the town, on behalf of himself and others. Sir Henry Edwards was then elected. Shortly after that time Sir Henry became the chairman of a Company carrying on its business in the Borough, called the Beverley Waggon Company, Limited. Of this Company a Mr. Norfolk hereinafter mentioned was manager, and a Mr. Usher the secretary. From and after the year 1857, and continually until the present time, Mr. Wreghitt has been and is the confidential agent of Sir Henry Edwards for the purposes and management of his Parliamentary interest in the Borough, and during this period, and from time to time, he remitted to Mr. Wreghitt sums of money to be expended by him in support of it."

If it had appeared to the Judge that the money was to have been used for the benefit of Sir Henry Edwards, one would have expected he would have inquired how it was expended. What did he say in the next paragraph?—

"It appeared that no detailed account of the expenditure of this money was ever given to or asked for by Sir Henry Edwards, and although both he and Mr. Wreghitt were witnesses at the trial, neither of them were examined as to what amount of money was so remitted and received, or how it was expended, beyond some general questions, which were answered by a statement that money was paid for charitable purposes, and for a subscription to an agricultural association."

What struck him on reading that paragraph was that the Judge did not consider it necessary to ask for any specific statement of the sums expended, he believing that they had nothing to do with bribery, but that they were for the usual purposes and for subscriptions to charitable objects. So far as this went, he could not see that it brought home a charge of corruption to Mr. Wreghitt, Sir Henry Edwards, or any of the candidates. He admitted at once that there was considerable bribery by Mr. Wreghitt for municipal purposes; and having admitted that he came to this point. The Judge said—

"Sir Henry Edwards and Captain Kennard came to Beverley the following day, the 3rd November, and there was no evidence that from that day any bribery took place, and Sir Henry Edwards stated that until the trial he never was told or heard of the bribery and corruption which had taken place at the Municipal Election, as it was proved that Mr. Lowther and others who were directly engaged in this bribing canvassed with him during the ensuing fortnight, it is obvious that the Municipal bribery of the 2nd of November, which must have been notorious in the Borough, was of purpose and design concealed and kept back from him."

Therefore, at that time neither of the candidates was cognizant of any bribery or of any intention to bribe, as far as they were concerned. He now came to the paragraph quoted by the learned Attorney General, in which the Judge said 800 Parliamentary electors were bribed, but there was no evidence to show that that bribery was for Parliamentary election purposes. The voters were, no doubt, bribed for municipal purposes. The hon. Member for Brighton (Mr. Fawcett) must be aware that most municipal elections throughout this country were carried by the aid of the grossest bribery and corruption, and he did not believe that even Brighton itself was an exception. He was perfectly willing to acknowledge that great corruption had prevailed at the municipal elections; but not only had no bribery or corruption been traced to Sir Henry Edwards or his agents, but no corruption had been proved to have occurred in connection with the Parliamentary election. He did not, therefore, see that they were justified in visiting Beverley with so severe a punishment, and although he, for one, regarded the new mode of conducting election inquiries as perfectly successful, and believed the decisions generally to be very satisfactory, he thought that the House might fairly make an exception in this particular instance.

Mr. BREWER said, he was at a loss to understand how any Member could have read the evidence and the Report in relation to the late election at Beverley, and not have come to the conclusion that there had been for the last eleven years in the borough an organized system of bribery, carried on, too, at the instigation of the gentleman who desired to represent the borough in Parliament.

Colonel STUART KNOX said, he did not desire to cast any imputation on the learned Judge who had tried this petition, but would leave him to the verdict of the country. He believed that, in this instance, the Members for Beverley were made to suffer for faults which were not their own. He could not see what difference there was between the cases of Bradford and Beverley; and yet in these two cases the same Judge gave different decisions. At Bradford, when evidence was being adduced to show that there had been a good deal of drinking in the borough,

Mr. Baron Martin observed to Mr. Serjeant Ballantine—"It seems to me that this arises out of your cross-examination. It may be that this beer-drinking may be municipal beer-drinking and not borough beer-drinking." He should be glad to learn why municipal beer-drinking should in Bradford be regarded as harmless, while in Beverley it was to be visited with these penal consequences. He thought, too, that under the present circumstances, with a Committee which had been appointed on the Motion of the Secretary of State for the Home Department, and which was now sitting upstairs, it would not be fair to accede to the Motion of the Attorney General, and to throw upon Beverley the heavy expenses which would necessarily attend such an inquiry as that now proposed. He would therefore move—

"That the issue of a Commission be deferred until an opportunity be afforded for an inquiry by the Select Committee on Parliamentary and Municipal Elections now sitting."

Sir JAMES ELPHINSTONE, in seconding the Amendment, said, that in a certain sense the system under which the House had abandoned its jurisdiction with regard to election petitions was as much on its trial as the particular case now under consideration. He thought the discrepancies in the decisions of the Judges were a serious matter, and he was not sure they might not lead to a resumption by the House of its privilege of trying election petitions. At all events, he thought that during the present Session the House ought to deal generously and gently even with peccant constituencies. At the end of the Session the decisions in all the cases might be laid before the Judges, with the view of seeing whether a fixed code of laws relative to election cases might not be laid down.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the issue of a Commission be deferred until an opportunity be afforded for an inquiry by the Select Committee on Parliamentary and Municipal Elections now sitting."—(*Colonel Stuart Knox.*)

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. W. E. FORSTER said, as a reference had been made to Bradford, they might as well put an end to inquiries by the Judges if, on occasions like the present, evidence given in another case was quoted and relied on, although the Judge himself had decided that it was not worthy of consideration.

Mr. VANCE said, that if elections were to be voided, as in this case, although there was no proof of corrupt practices by the Member or his agents, no candidate would be safe, because he might be unseated for bribery committed by his enemies.

Mr. BRUCE said, this case was even a stronger one for a Royal Commission than if merely the candidate or his agent was proved to have committed bribery; because, where an election was voided for bribery by an individual, there might perhaps have been only one case of that corrupt practice, while the case alleged against the borough of Beverley was that there had been wholesale bribery. As many as 800 persons were proved to have been bribed, and there was reason to believe that that was not the whole number of the bribed. Why, then, should not the inquiry be made? Simply on the flimsy pretext put forward, that the bribery was not practised at the Parliamentary, but at the municipal election? But they knew that the former followed almost immediately the latter election, and that the sums of money given to the voters at the municipal contest were far in excess of what was ordinarily given.

Sir FREDERICK W. HEYGATE said, that, while he thought the decisions of the Judges should be respected, it appeared to him that the House were going beyond the lengths to which they went under the old system. A Royal Commission did not, as a matter of course, follow a strong Report of a Committee. The question whether such a Commission should issue was debated. He must also remark that he thought the observations made by the hon. Member for Colchester (Mr. Brewer), to the effect that corrupt practices had existed for years in Beverley, was an unfair one to Sir Henry Edwards, whose absence from that House many hon. Members regretted. At the same time, he would recommend his hon. and gallant Friend (Colonel Stuart Knox) not to press his Amendment.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Address to be communicated to the Lords, and their concurrence desired thereto.

IRELAND—SLIGO ELECTION.

MOTION FOR AN ADDRESS.

The ATTORNEY-GENERAL for IRELAND (Mr. Sullivan) moved for a Royal Commission in the case of the borough of Sligo. Mr. Justice Keogh had reported that corrupt practices extensively prevailed at the last election for that borough. The learned Judge had also reported that intimidation had likewise prevailed at the Sligo Election, though not on the same side as the corrupt practices; but it would not be competent for him, under the Act of Parliament, to make the intimidation a subject of reference to the Royal Commissioners.

Resolved, That an humble Address be presented to Her Majesty, as followeth:

Most Gracious Sovereign,

We, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, beg leave humbly to represent to Your Majesty, that the Right honourable William Keogh, one of the Justices of the Court of Common Pleas in Ireland, and one of the Judges selected for the trial of Election Petitions in Ireland, pursuant to the Parliamentary Elections Act, 1868, has reported to the House of Commons, that corrupt practices have extensively prevailed at the last Election for the Borough of Sligo.

We therefore humbly pray Your Majesty, that Your Majesty will be graciously pleased to cause inquiry to be made pursuant to the Provisions of the Act of Parliament passed in the sixteenth year of the reign of Your Majesty, intituled, "An Act to provide for more effectual inquiry into the existence of Corrupt Practices at Elections for Members to serve in Parliament," by the appointment of Denis Caulfield Heron, LL.D., one of Her Majesty's Counsel, John Alexander Byrne, esquire, Barrister at Law, and William R. Bruce, esquire, Barrister at Law, as Commissioners for the purpose of making inquiry into the existence of such corrupt practices.

Address to be communicated to The Lords, and their concurrence desired thereto.—(*Mr. Attorney General for Ireland.*)

WAYS AND MEANS.

Resolutions *reported;*

(1.) "That, towards raising the Supply granted to Her Majesty, the Duty of Customs now charged on Tea shall continue to be levied and charged on and after the 1st day of August 1869 until the 1st day of August 1870, on the importation thereof into Great Britain and Ireland: viz.

		s.	*d.*
Tea . . .	the lb.	0	6."

(2.) "That it is expedient to amend the Laws relating to the Inland Revenue."

Resolutions *agreed to:* — Bill *ordered* to be brought in by Mr. Dodson, Mr. Chancellor of the Exchequer, and Mr. Ayrton.

CAPITAL PUNISHMENT ABOLITION BILL.

On Motion of Mr. GILPIN, Bill to abolish Capital Punishment, *ordered* to be brought in by Mr. GILPIN, Mr. HADFIELD, Mr. M'LAREN, and Sir JOHN GRAY.

TRADES UNIONS, &C. BILL.

On Motion of Mr. THOMAS HUGHES, Bill for amending the Law relating to Combinations and Trades Unions, *ordered* to be brought in by Mr. THOMAS HUGHES and Mr. MUNDELLA.

Bill *presented,* and read the first time. [Bill 68.]

POST OFFICE SAVINGS BANKS BILL.

On Motion of The Marquess of HARTINGTON, Bill to amend the Law relating to Post Office Savings Banks, *ordered* to be brought in by The Marquess of HARTINGTON, Mr. CHANCELLOR of the EXCHEQUER, and Mr. STANSFELD.

Bill *presented,* and read the first time. [Bill 69.]

GOVERNMENT ANNUITIES, &C. BILL.

On Motion of The Marquess of HARTINGTON, Bill to amend the Acts relating to the purchase of small Government Annuities, and assuring payments of money on Death, *ordered* to be brought in by The Marquess of HARTINGTON, Mr. CHANCELLOR of the EXCHEQUER, and Mr. STANSFELD.

Bill *presented,* and read the first time. [Bill 70.]

House adjourned at a quarter before Two o'clock, till Monday next.

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HOUSE OF LORDS,

Monday, 12*th April,* 1869.

MINUTES.]—PUBLIC BILLS—*First Reading*—Fine Arts Copyright Consolidation and Amendment (No. 2)* (51).

Second Reading — Salmon Fisheries (Ireland) (43); Railway Companies Meetings* (44).

Third Reading—East India Irrigation and Canal Company* (31), and *passed.*

Withdrawn—Fine Arts Copyright Consolidation and Amendment* (17).

PAROCHIAL SCHOOLS (SCOTLAND) BILL.—PETITIONS.

Several noble Lords presented Petitions; some in favour of the Bill, others against it, or praying for amendment of its provisions.

THE DUKE OF MARLBOROUGH presented a Petition from a large number of iron masters and coal owners in the West of Scotland against the Bill. The petitioners pointed out their objections to the Bill. They also stated that the Bill would destroy the voluntary principle in Scotland, and a system of education that had hitherto admirably supplied the educational wants of the people. They asked amongst other things that religious teaching in the schools might be secured by the Bill. The noble Duke said that, under the circumstances, he would appeal to the noble Duke who had charge of the Bill (the Duke of Argyll), to postpone for some short time the Committee on the Bill which stood for that day, in order that the Amendments, of which notice had been given, might be well and amply considered. The noble Duke, when he introduced the measure, represented that it was in conformity with the wishes of the people of Scotland; but he thought the noble Duke could not fail to see, from the number of Petitions that had been presented against it, that a strong feeling of hostility had been elicited against it in its present form, and that various views had been put forward by a number of bodies in Scotland, all desiring the introduction of Amendments. It was clear that the acceptance of the Bill in Scotland had not been so general or universal as the noble Duke at first supposed. He understood that the noble Duke had also a number of Amendments to propose on the part of the Government, which were not in their Lordships' hands, and that, he urged, was another reason for delay. And, as a further reason for postponement, he was informed that at the county meetings to be held in Scotland at the end of the month the subject would be generally brought forward and discussed, when there would be a further opportunity of ascertaining the feeling of the people upon the subject, and by which many valuable suggestions might be offered. He thought the noble Duke would see how desirable it was to postpone the Committee for a short time.

THE EARL OF DALHOUSIE said, the noble Duke (the Duke of Marlborough) had anticipated him in an appeal to his noble Friend to postpone the Committee on the Bill. A more important Bill with reference to Scotland had not been introduced into Parliament for many years; and, considering the immense number of Amendments that had already been given notice of, and the other Amendments referred to, but which had not yet been placed on their Lordships' table, it would be quite impossible for their
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Lordships, if they desired to maintain their reputation for the careful and thorough manner in which they transacted their business, to proceed with the consideration of the measure until they had seen them all, and comprehended their bearings. He did not ask to have the Committee postponed from feelings of hostility to the principle of the measure—that having been approved by a great majority of the people of Scotland—but in hopes that the question might be properly and well considered. The noble Duke opposite (the Duke of Marlborough) was right in stating that they were on the point of holding their county meetings in Scotland, at which the various Committees to whom Bills relating to Scotland were referred would report, and thereby the feeling of the counties would be ascertained upon this measure. He hoped the noble Duke who had charge of the Bill would postpone the Committee until after Whitsuntide, and in the meantime that he would inform their Lordships which Amendments he would adopt and which he would resist.

The Earl of AIRLIE also joined in the appeal for postponement, wishing it, however, to be understood that he hoped the principle of the Bill—a national system of education based on rating—would be sanctioned by Parliament. He could see no great force in the objection that rating tended to dry up voluntary subscriptions; and the necessity of education being admitted, there was no more reason for leaving the burden to be borne by individuals, than for throwing on them the cost of lighting or of repairing the roads.

The Duke of ARGYLL said, he had great regret in postponing the Bill, but felt it impossible to resist the appeals of the noble Duke opposite, and his two noble Friends, all of whom he believed to be friendly to the main objects of the Bill. He had no wish to take any course other than that which was best for the cause of national education in Scotland. He had to apologize for not having presented to their Lordships the Amendments he proposed to make in the Bill in Committee, but the fact was that up to Friday last Amendments were showered upon him by Members of their Lordships' House so fast, that he had not had time to consider how many he would adopt and how many he would reject. There were some which he should be compelled to resist; but a very large number of them, especially some proposed by his noble Friend opposite (Lord Colonsay), he should gladly accept as decided improvements. Before their Lordships went into Committee he should propose to re-print the Bill, with the Amendments proposed by the Government. Considering that it had been introduced in their Lordships' House with the view of furnishing them with occupation during the early part of the Session, their honour and reputation required that it should be sent down to the House of Commons in sufficient time to give them an ample opportunity of discussing it; but that House was at present fully occupied, and he believed no injury would arise from a postponement till after the 30th instant, the date of the county meetings. He would beg their Lordships not to request a postponement till after Whitsuntide, and hoped they would go into Committee on the 3rd or the 10th of May.

Lord CAIRNS presumed it was the intention of the noble Duke to move to go into Committee on the Bill *pro formâ*, for the purpose of re-committing the Bill and having it re-printed.

The Duke of ARGYLL said, he had no such intention. He simply proposed to have the Amendments printed before their Lordships went into Committee upon it.

Lord REDESDALE thought it would be much more convenient to have the Bill re-printed with the Amendments in the form in which the noble Duke intended it to be actually proposed. It was impossible otherwise for those unacquainted with the forms of the House to understand what the Government intended to propose.

NAVY—ARMAMENT OF TURRET-SHIPS.

EXPLANATION.

The Earl of CAMPERDOWN said, that since the subject of turret-ships had been under discussion on Thursday last, he had communicated with his right hon. Friend the First Lord of the Admiralty. He was now able to lay on the table the letter addressed by the Admiralty to Admiral Sir James Hope, and also his reply, expressing approval of the proposed new turret-ships. With regard to a Question put by the noble Duke (the Duke of Somerset) he was able to state that the 25-ton guns intended for the *Monarch* and *Captain* had been proved with charges of 83½ lbs. of gunpowder, of which two rounds were fired, the weight of the projectiles each time being 580 pounds.

The noble Lord then laid on the table Correspondence respecting New Designs for Armour-clad Ships. (No. 52.)

SALMON FISHERIES (IRELAND) BILL.

(*The Lord Dufferin.*)

(NO. 43.) SECOND READING.

Lord DUFFERIN, in moving that the Bill be now read the second time, said, its object was to enable the Lord Lieutenant to appoint two Inspectors. The late Government made such appointments; but as the powers of the existing Commissioners did not expire till the 1st of August next, and as the Fisheries (Ireland) Act provided that they were at that date to be replaced by Inspectors, the Government had been advised that the appointments were invalid.

Lord CAIRNS said, he understood that legal opinions differed as to the validity of the appointments. He wished to know whether the gentlemen appointed were to be reinstated, or whether it was intended to supersede them.

The Marquess of CLANRICARDE said, that he had presented a Petition signed by the principal fishfactors and fishmongers of Dublin, complaining that under the existing law salmon was higher in price and more scarce than it had been heretofore. He thought that the Government ought to institute an inquiry into the subject. It appeared to him that salmon was a fish that ought to be made, if possible, accessible to all classes. He should certainly submit an Amendment when the Bill went into Committee.

Lord DUFFERIN said, that when the noble Marquess was prepared to submit his Amendment the Government would give it every consideration. In reply to the noble Marquess he had to state that the question of the re-appointment or otherwise of the Inspectors was one for the Government to determine.

Lord CAIRNS remarked, that the noble Lord had not answered his Question—namely, whether the Government intended to affirm the appointments already made or to promote other persons?

The Earl of Camperdown

Earl GRANVILLE reminded the noble and learned Lord that a few weeks ago he declined to reply to a Question which had been put to him, on the ground that, having already spoken, he was precluded by the rules of the House from doing so. Such being the practice of the House—though their Lordships were always willing to grant leave for a personal explanation—he was surprised that the noble and learned Lord should now have risen a second time.

Lord CAIRNS said, that having had a much shorter experience in their Lordships' House than the noble Earl, he was always glad to receive a lesson from him on the point of Order. On this occasion, however, he thought the lesson was not required, for he apprehended it was allowable, if a Question which had been put to a Member of the Government had not been distinctly answered, to rise and call attention to the fact, and this was all that he had done.

Earl GRANVILLE said, he did not quite see the distinction drawn by the noble and learned Lord between the two cases, but did not wish, after his explanation, to insist on the point.

Lord REDESDALE asked whether the Inspectors had exercised any functions which would require confirmation?

Lord DUFFERIN said, he believed their proceedings had been merely ministerial.

Lord CHELMSFORD repeated the question put by his noble and learned Friend, whether the existing appointments would be confirmed or superseded?

Lord DUFFERIN thought his former reply would have been a sufficient intimation that the decision on that point remained at the discretion of the Government.

Bill read 2^a, and *committed* to a Committee of the Whole House on *Thursday* next.

FINE ARTS COPYRIGHT CONSOLIDATION AND AMENDMENT (NO. 2) BILL [H.L.]

A Bill for consolidating and amending the Law of Copyright in Works of Fine Art—Was *presented* by The Lord Westbury; read 1^a. (No. 51.)

BEVERLEY ELECTION.

Message from the Commons that they have agreed to an address to be presented to Her Majesty, to which they desire the concurrence of their Lordships.

SLIGO BOROUGH ELECTION.

Message from the Commons that they have agreed to an address to be presented to Her Majesty, to which they desire the concurrence of their Lordships.

House adjourned at a quarter before Six o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 12*th April*, 1869.

MINUTES.]—SUPPLY—*considered in Committee* —ARMY ESTIMATES.

Resolutions [April 9] *reported*—CIVIL SERVICE.

WAYS AND MEANS—*considered in Committee.*

PUBLIC BILLS—*Ordered—First Reading*—Parochial Schoolmasters (Scotland)* [72].

First Reading—Habitual Criminals * [73]; Common Law Courts (Ireland)* [74].

Second Reading—Pharmacy Act (1868) Amendment * [37].

Third Reading—Civil Service Pensions* [46]; Sea Birds Preservation * [59], and *passed.*

ARMY—BRANDING IN THE.

QUESTION.

LORD GARLIES said, he wished to ask the Judge Advocate General, Whether his attention has been called to a paragraph in the *Pall Mall Gazette* of Saturday, March 20, in regard to marking Deserters from the Army with the letter D; if it be true, as therein stated, 1st, That since flogging in the Army was forbidden by the Legislature, a Memorandum was issued by the Horse Guards, Authorities "insisting that deserters and military offenders generally should be branded again and again, without regard to the first indelible mark;" 2ndly, That in consequence of this Memorandum the Judge Advocate General "has just issued a strongly-worded Memorandum or Letter to the Horse Guards, severely censuring the course pursued in cancelling an original order against this repeated branding, and forbidding this punishment to be turned into a system of torture;" 3rdly, That, "it is very doubtful whether the Horse Guards have not infringed the Law" in regard to the place selected for marking Deserters; whether he will lay upon the Table of the House a Copy of the Memorandum or Letter stated to have been issued by him to the Horse Guards; and, whether or not, the Authorities at the Horse Guards have acquiesced in the justice of this Memorandum or Letter without remonstrance; and, Lastly, If the statement in the paragraph referred to be incorrect, whether he can state what has occurred to give rise to so remarkable a statement?

SIR COLMAN O'LOGHLEN, in reply, stated, that his attention had not been called to, but, like the noble Lord himself, he had seen and read the paragraph in the *Pall Mall Gazette.* With respect to the statement in it, it was so far correct that he did feel it his duty to address a letter last month to the Adjutant General in relation to marking deserters a second and third time after they had already been indelibly branded. Some other statements in the paragraph, however, were not correct. It was not true so far as was aware that since flogging was forbidden a Memorandum was issued by the Horse Guards, insisting that deserters and military offenders generally should be branded again and again; and it followed, of course, that it was not in consequence of any such Memorandum that he addressed his letter to the Adjutant General. He was not in a condition to give the contents of that letter to the House, nor was he in a condition to lay the Papers on the table of the House. A correspondence was now going on between the authorities at the Horse Guards and the authorities at the War Office, and it would not be advantageous to the public service that he should make any statement on the matter. The noble Lord also asked if he knew what had given rise to so remarkable a statement. He was sorry to be unable to give him any information upon that point. He was as unconnected with the *Pall Mall Gazette* or the writers in that journal as the noble Lord himself; and as far as he was aware the letter, or copy of the letter that he had written, had not been seen by anybody outside the official circle.

POST OFFICE—WEST INDIA MAILS.

QUESTION.

MR. R. FOWLER said, he wished to ask the Postmaster General, Whether the steam ship "Tasmania," carrying the West India Mails, which passed Falmouth on Monday, March 15, before three o'clock, in time for the Mails to be landed and sent to London by the regular Mail, arrived at Plymouth so late that the letters had to be sent by special train; and, whether the weather was not most favourable for her to accomplish the distance in the shortest possible time?

The Marquess of HARTINGTON, in reply, said, that the mails arrived in time to be sent on by the ordinary train; but in consequence of some delay in the landing they had to be sent a considerable part of the distance by special train. Inquiries had been made on the subject, and he believed arrangements had been made by which, when mails arrived near the time of the departure of the ordinary train, they would be landed immediately, so that no such occurrence should again take place. He believed the weather had been most favourable, and that the *Tasmania* had accomplished the distance in the shortest possible time.

TRADE RETURNS.—QUESTION.

Mr. POCHIN said, he wished to ask the President of the Board of Trade, Whether it is not desirable that Annual Reports should be rendered by the Master of the Mint, and by the Marine, Commercial, Foreign, and Statistical Departments of the Board of Trade, the same in character as the present Annual Reports rendered by the Board of Customs and Board of Inland Revenue; and, if it would not be a measure of economy and convenience to discontinue the present separate publications of the Reports on Foreign Trade from Consuls Abroad and Secretaries of Legation, and issue quarterly, in a collected and arranged form, all Reports received during the previous three months? He was aware that it was no part of the duty of the Board of Trade to issue these Reports.

Mr. BRIGHT: Mr. Speaker, my hon. Friend in his Question has said what is very true—namely, that it is no portion of the duty of the Board of Trade to issue these Reports; but I am happy to be able to inform him that the Chancellor of the Exchequer has given orders that a Report with respect to the Mint should be prepared, and therefore as far as that part of the Question is concerned it is answered. With regard to the Foreign Department, I have a note from the Foreign Office, which I will read for the benefit of the House—

"The Reports of Secretaries of Legation and of Consuls are now published monthly, as received at the Foreign Office, the object being to place the information therein contained at the disposal of the commercial classes, with as little delay as possible. Originally, these Reports were only published whilst Parliament was sitting, and they could be formally presented to the House; but it was found that much information was thus postponed till too late to be of service. With the intention also of giving the earliest circulation, the Foreign Office supplies copies every month to the Chambers of Commerce."

With regard to the Board of Trade, my own opinion is, it would not be very advantageous to produce a Report periodically of the proceedings of that Department, because they extend over a vast variety of subjects and go through numerous and almost numberless details. I have considered the matter myself, and the balance of my opinion goes in this way, that it would not be desirable for the Board of Trade to make any such general and comprehensive Report as that hinted at in the Question of my hon. Friend.

ST. JAMES AND ST. PAUL'S, LANCASHIRE.—QUESTION.

Mr. R. SHAW said, he would beg to ask the hon. Member for North Devon, Whether the ecclesiastical districts of the vicarages of St. James and St. Paul's respectively, within the ancient parochial chapelry of Burnley, in the county of Lancaster, have within their limits the requisite population to entitle the vicars thereof to the augmentation of their endowments to the sum of £300 a year out of the funds vested in the Ecclesiastical Commissioners; and, if so, what are the reasons for withholding from the said vicars the augmentation to which they are entitled by the rules and practice of the said Commissioners?

Mr. ACLAND replied that parishes possessing the population of those two districts would, under ordinary circumstances, receive the augmentation, but the Commissioners did not recognize the principle that population alone, without consideration of other circumstances, entitled a district to receive it. These two districts were formed about twenty years ago out of a larger district (Burnley), which was now a rectory, and were endowed by the Ecclesiastical Commissioners with an income of £150 a year, the patronage being vested in the Crown and the Bishop of the diocese alternately. On an application being made to augment the endowments to £300, the attention of the Commissioners was drawn to the fact that the mother church, in the rectory of Burnley, was very largely endowed—to an amount, indeed, of £3,000 and upwards, as he had heard stated. The Commissioners were prepared to augment the endowments of the two districts up to £300 a year, immediately, and to continue the augmentation during the incumbency of the present rector of Burnley; but they proposed on the next vacancy of the office of rector of the mother church—the patron being a private gentleman—that the augmentation should be a charge on the revenues of the mother church, and that the patronage should be transferred to the patron of the rectory. The patron, however, refused to entertain the proposition. On the 3rd of March, the Commissioners recorded in a Minute the principle which guided them in these cases, which was to the effect that, as the funds at the disposal of the Commissioners for relieving spiritual destitution were limited, they could not be, with a due regard to the wants of the country, applied in providing an augmentation of endowments in districts where there were large local revenues available. These were the grounds on which grants had not been made to the two mentioned districts.

CHINA—HOSTILITY TO FOREIGNERS.

QUESTION.

COLONEL SYKES said, he wished to ask the Under Secretary of State for Foreign Affairs, with reference to the following extract from the "China Mail," quoted by Mr. Horatio Nelson Lay, ex-Superintendent of Maritime Customs in China, in a letter to the London "Times," 2nd December 1868:—

> "The result of our present policy in China is that on every side we hear of hostility against foreigners, at Wuchang-Kiu-Kiang, Formosa, Chefoo, Chin-Kiang, and Yangchowa. From every part of China we hear complaints of the Chinese authorities resisting the clearest and most unquestionable claims."

Whether the Diplomatic and Consular Agents, who directed the solution of these cases, have reported officially or otherwise to the Foreign Office, and whether the Reports, if any, can be laid upon the Table. What redress was obtained for the attempted assassination of Mr. Hardie and Mr. Pickering at Taiwan-foo, and for the recent attack upon the boats' crews of Her Majesty's gunboat "Cockchafer," Lieutenant Kerr, at Swatow, by Chinese soldiers, in which eleven seamen were wounded; and, further, whether the acting Consul at Swatow reported the operations of Her Majesty's gunboat "Bustard," Lieutenant Johnston, in conjunction with and at the request of the Taotae of Swatow against the insurgent town of Choo-chi?

MR. OTWAY: Sir, it is unquestionably true that in China, lately, some occurrences have taken place that are much to be regretted, which have resulted in the wounding of several men in Her Majesty's service and in a large loss of life to the Chinese. But these proceeding, so far from being the result of our policy in China, have been, in consequence of action, taken in opposition to that policy. Our policy in China is to establish and maintain friendly relations with its Government and people and to extend the commercial interests of this country with the Chinese Empire. We maintain at Pekin a Legation for that purpose, and it is the duty of Her Majesty's Minister there, in case of damage done to British subjects, to represent that damage to the Chinese Central Government and to obtain from it redress. Sir Rutherford Alcock has, on all occasions on which such damage has been made known to him, made the necessary representations to the Central Government, and has obtained from it either redress or the immediate promise of it. But if Her Majesty's officers—consular or others—take upon themselves to use Her Majesty's forces to obtain that redress which they conceive to be due upon a question of commercial law or other matters in dispute, such conduct will not be approved of by the Government. Now, without referring to the various questions to which the hon. and gallant Gentleman has drawn attention—for this is not the time, as we are about to lay all the Papers before the House, and it will then be in his power to make any comments he likes on the proceedings—without referring to these various matters in detail, I will say that although the proceedings to which he refers have been, as far as the naval and military operations were concerned, conducted with great skill and gallantry by the officers employed, they were not such as could possibly meet with the approval of the Government, looking to the instructions given specially to the consular officers in China; and in one case the consular officer at Formosa so far departed from the spirit of the instructions he received, that it has been thought right by the Government to remove him from the post he occupied. It may be satisfactory to my hon. and gallant Friend to know—notwithstanding the very lugubrious opinion he has expressed in his Questions—that we have received a telegram from Sir Rutherford Alcock, conveying a very different impression. It runs thus—

> "March 30, 1869. At Yangchowa, Formosa, Swatow, entire sincerity and improved position. At all the ports accounts received of the restoration of order and peace. Lord Clarendon's instructions of the 13th of December have been communicated to Prince Kung, and the consuls, and the admiral. The best understanding exists with everybody at Pekin. There is no more cause for anxiety on any point. Our relations have never been more satisfactory."

With regard to the last Question, I can only say that my hon. and gallant Friend appears to receive earlier information from China than we do. The Government have received no information of any such occurrence as that to which the hon. and gallant Gentleman refers. All the Papers on the subject shall be laid on the table.

THE EMIGRATION COMMISSION.

QUESTION.

MR. HARDCASTLE said, he wished to ask the Under Secretary of State for the Colonies, The present number of Her Majesty's Commissioners for Emigration, and their names, and also the number of clerks and assistants employed by the Commission; the amount of the salaries of such Commissioners and their clerks or assistants; the total annual expenses of the Commission, and to what purposes the expenses are devoted; out of what fund such expenses are paid, and whether there is a fund consisting of monies retained from deposits of intending emigrants who have afterwards altered their intentions, and, if any, the amount of it; what duties are at present performed by the Commissioners; whether Colonial Emigration is not now almost entirely managed by agents of the Colonies, acting independently of the Commissioners; and, whether the Government proposes to continue the Commission in its present form?

MR. MONSELL, in reply, said, he had to inform the hon. Gentleman that there were at present two Commissioners of Emigration, Mr. Murdoch and Mr. Walcott, an assistant-secretary, seven clerks, and twenty-three emigration officers in various ports of the United Kingdom. The salaries of the Commissioners and clerks amounted to somewhere about £8,000, of which £1,300 was paid out of the colonial funds. The salaries of the emigration officers and assistants amounted to £3,912, so that the total annual expenses were £11,595. £9,829 came out of the Parliamentary Vote for Emigration, and £1,766 out of funds supplied by the colonies to which emigrants were despatched. There was a fund arising from deposits of intending emigrants who had afterwards altered their intention. Its amount was £9,652 in Consols, besides £1,000 in Exchequer Bills. The duties at present discharged by the Commissioners were to carry out the provisions of the Passengers Act with regard to emigration from this country, to select and despatch certain bodies of emigrants to Victoria and Western Australia; to superintend the emigration from India and China, and also the return of emigrants to Asia from the different colonies, and to decide all questions regarding colonial Crown lands, leases, or grants. In 1868 the Commissioners received 20,000 letters, and the number received during the present year up to this time was 6,306. The emigration to the Australian colonies, excepting Victoria and Western Australia, was at present inconsiderable. The colonies of Queensland and New Zealand had independent emigration agents of their own, as also the colony of South Australia, but the superintendence of emigration to South Australia was in the hands of the Commissioners. They were at present engaged in sending out the discharged artizans from the dockyards. It was under the consideration of Government whether the Commission should be continued. There was no doubt, from what he had already stated, that the duties had very much decreased, but the difficulty with respect to the abolition of the office was that, on account of the large pensions that would have to be paid, there would be very little saving to the public, who would likewise lose the advantage of the services of two excellent officers.

RETIREMENT OF BISHOPS.—QUESTION.

Sir MASSEY LOPES said, he would beg to ask the First Lord of the Treasury, If his attention has been drawn to the expediency of making some adequate provision for the retirement of those Right Rev. Prelates who, either from their advanced age or from mental or physical inability, are permanently incapacitated from performing the duties which devolve upon them?

Mr. GLADSTONE: I have observed, Sir, with very great regret, as I think all Gentlemen in the House must have observed, that, at the present moment, no inconsiderable number of dioceses are, in a great degree, deprived of the advantage of responsible episcopal government, through the illness or the infirmities of old age of several of the Prelates; and no doubt it would be desirable that some adequate provision should properly be made for the purpose of meeting the case. At the same time, looking at the effect of any such provision on the arrival of episcopal vacancies, I think it is a matter on which it is desirable that the Executive Government should, if possible, not proceed on the authority of their own judgment only. It is very much to be desired that the Bishops of the Church themselves should consider the matter, and, if possible, propose a plan, for the purpose of applying a remedy to the evil. I am not authorized to make any communication of a definite character on the part of the Right Reverend Bench; but I am under the impression that their attention has been given to the subject, and I therefore hope that some result of their deliberations on it may within a reasonable time appear. Of course, I do not mean to say that the Government are precluded from considering it, and making some proposal in case the Bishops do not; but I think the House will be inclined to agree with me, that it is desirable that the Bishops themselves should be associated from the very commencement with any proposal we may find it our duty to make.

BAHAMAS—ECCLESIASTICAL GRANTS.
QUESTION.

Mr. MIALL said, he wished to ask the Under Secretary of State for the Colonies, Whether it is within the knowledge of the Colonial Office that a Bill for the withdrawal of public Grants for ecclesiastical purposes in the Bahamas, after being twice carried by the House of Assembly, has been rejected by the Legislative Council, notwithstanding that in the interval between its first and second introduction, the policy of the measure was affirmed at a General Election in the Colony; and, whether it is intended to take any step to ensure that respect shall be had to the wishes of the Colony, as constitutionally expressed? He wished further to ask, What was the state of the Revenue in the Colony at the time, and what proportion the Episcopalians bore to the other inhabitants of the Colony?

Mr. MONSELL said, he would beg to inform the hon. Gentleman that, in the month of April last, the House of Assembly of the Bahamas passed a Bill for the disendowment of the Churches of England and Scotland. That Bill was thrown out by the Legislative Council. In consequence of the action of the Council, the Assembly asked the Governor to take the sense of the community by dissolving the Assembly. This the Governor refused to do, whereupon the House of Assembly adjourned for three weeks without passing the Appropriation Bill. The Government was, in consequence, left without any funds for carrying on the public service, and the Governor was compelled to dissolve the House of Assembly. In the month of August they again re-assembled, and passed a Bill with the same effect; but this time the Legislative Council did not actually reject the Bill, but merely postponed its further consideration until next Session. Meanwhile, a new Governor had gone out to the colony, and the Assembly had met again in February; but he (Mr. Monsell) had no further information of any further action with regard to Disendowment Bills. As to the latter part of the Question of the hon. Member, he might state that the present revenue of the colony was about £30,000; but the colony was spending about £40,000. With respect to the proportion of Episcopalians to the whole population, the hon. Gentleman would find the information in a Return which had been moved for; but, according to his (Mr. Monsell's) own recollection, the proportion of Church of England members was about one-tenth, and the endowments of that Church were about £3,700 a year.

HUDSON'S BAY COMPANY.—QUESTION.

VISCOUNT BURY said, he wished to ask the Under Secretary of State for the Colonies, If he will lay upon the Table the answer given by the Hudson's Bay Company to the proposals of the Government respecting the cession of territory heretofore held by them?

MR. MONSELL said, in reply, that whenever the answer of the Canadian Government was received the whole of the Correspondence would be laid upon the table.

WORKSHOPS REGULATION ACT IN BIRMINGHAM.—QUESTION.

MR. AKROYD said, he would beg to ask the Secretary of State for the Home Department, If the Workshops Regulation Act, 30 and 31 Vic., c. 146, has been enforced by the Local Authorities at Birmingham; and, if not, what steps he intends to take to fulfil the provisions of the said Act?

MR. BRUCE, in reply, said, he was sorry to say that the Act had not been put in force in Birmingham, although he believed there was no great town in the Empire that required the application of that Act more strongly than Birmingham. The Secretary of State had no compulsory powers to enforce the attention of the local authorities to the Act. All he could do was to remind them of their duty. He wished to defer answering the Question as to what steps he intended to take until the Government had had an opportunity of discussing the whole subject more fully, which he was happy to say would be shortly given.

IRELAND—HACKNEY CARRIAGES IN DUBLIN.—QUESTION.

MR. VANCE said, he would beg to ask Mr. Chancellor of the Exchequer, What course he intends to take in respect to the Duty paid to the Crown by the owners of Hackney Carriages in Dublin?

THE CHANCELLOR OF THE EXCHEQUER: Sir, the hon, Gentleman will find, if he looks at the Resolutions before the House, that it is the intention of the Government to abolish that Duty.

MR. VANCE said, he wished to know whether he rightly understood that the

Resolution did this, or whether it would not be necessary to effect it by a Supplementary Resolution?

THE CHANCELLOR OF THE EXCHEQUER: If it were necessary to propose any Supplementary Resolution it would be done; but we think there will be no necessity to do so. It is the intention of the Government to abolish these Duties.

THE FINANCIAL STATEMENT.
QUESTION.

MR. WALPOLE: Sir, before we go into Committee of Ways and Means, I wish to ask Mr. Chancellor of the Exchequer a Question of which I have given him private notice. It is, Whether he will give the particulars of the Duties to be paid in January next, under four heads—namely, Property and Income Tax, Land Tax, Inhabited House Duty, and Assessed Taxes?

THE CHANCELLOR OF THE EXCHEQUER: Sir, the property and income tax, which will be payable under the scheme of the Government, will be 1*d.* less than I took credit for, because in stating the matter that credit was taken when I assumed the income tax to be 6*d.*, and we propose to reduce it to 5*d.* Therefore the amount of the property and income tax from Schedules A, B, and D, which we expect to receive in January, will be £1,500,000. As to the land tax and the house duty, which, as my right hon. Friend knows, come to pretty nearly the same amount —namely, between £1,000,000 and £1,100,000—we expect to receive the whole of them pretty well in that time. This is an excess of what they would have been if received in April of £950,000. As to the assessed taxes, the Excise licenses which are substituted for them, will amount, in round numbers, to £1,000,000. These are all receivable in that quarter, but I do not expect to receive above three-fifths, amounting altogether to £600,000. The three sums receivable in that quarter above the ordinary revenue will be £1,500,000 for property and income tax; £950,000 for land and house duty; and £600,000 for Excise licenses, which are to be paid instead of assessed taxes; amounting altogether to £3,050,000.

DUTY ON CORN.—QUESTION.

Mr. PIM said, he would beg to ask Mr. Chancellor of the Exchequer, Whether the Government will allow a drawback of the Duty on Corn which may have been paid after the announcement of the abolition of the Duty and the passing of the Resolution?

The CHANCELLOR of the EXCHEQUER said, it was not the intention of the Government to allow a drawback on corn now in the hands of importers. Corn arriving in our ports that day would be, so far as he knew, subject to the duty, and he presumed that, according to the usual practice, it would be subject to the duty until the Resolution was affirmed.

ESTABLISHED CHURCH (IRELAND) BILL.

OBSERVATIONS.

Mr. DISRAELI: It will, Sir, perhaps, be for the convenience of the Government and of the House to know that it is my intention to lay upon the table to-night the Amendments which I propose to make upon the Irish Church Bill, so that I hope they may be in the hands of hon. Gentlemen to-morrow morning.

WAYS AND MEANS.—COMMITTEE.

Considered in Committee.

(In the Committee.)

Motion made, and Question proposed,

"That the Duties of Customs chargeable upon the articles under-mentioned, imported into Great Britain and Ireland, shall cease and determine, viz.:—Corn, Grain, Meal, and Flour, and articles of the like character, viz.:—Wheat; Barley; Oats; Rye; Pease; Beans; Maize or Indian Corn; Buck Wheat; Bear or Bigg; Wheat Meal and Flour; Barley Meal; Oat Meal and Groats; Rye Meal and Flour; Pea Meal; Bean Meal; Maize or Indian Corn Meal; Buck Wheat Meal; Meal, not otherwise enumerated or described; Arrow Root; Barley, pearled; Biscuit and Bread; Cassava Powder; Maccaroni; Mandioca Flour; Manna Croup; Potatoe Flour; Powder, viz. Hair; Powder, Perfumed; Powder, not otherwise enumerated or described that will serve the same purpose as Starch; Rice Dust and Meal; Sago; Semolina; Starch; Starch, Gum of, torrified or calcined; Tapioca; Vermicelli."

Mr. NEWDEGATE said, he wished to put a Question to the Chancellor of the Exchequer. Under what regulations, penalties, and inducements, he wished to know, was the registration of corn imported into this country to be carried out in future? The question was an important one, and in the House generally he noticed a disposition to insist upon more accurate statistics than had yet been furnished.

The CHANCELLOR of the EXCHEQUER: Sir, I am sorry that I am not able to go into the details of this matter, but I have referred to the Department of Customs, and am informed that statistics can be obtained under the proposed system with almost as much accuracy as under the present, which renders it necessary to look very much to the merchants' accounts. As to the precise manner in which it is to be done, I am sorry to say I cannot inform the hon. Gentleman.

Mr. NEWDEGATE said, the right hon. Gentleman would excuse him for repeating the Question, having been, as the right hon. Gentleman would, of course, remember, somewhat intimately acquainted with the origin of this charge. He hoped, therefore, the right hon. Gentleman would be good enough to make inquiry as to the nature of the proposed regulations, and on a future day to give the information to the House.

Mr. CORRANCE: Sir, the discussion upon the Budget has been somewhat protracted, and to those who have felt bound to listen to it throughout sufficiently wearisome, no doubt. I will not add to their sufferings at any length. It is exceedingly clever, and if I may judge by the observations made, somewhat unintelligible to most. It is an experimental Budget, and as such, upon the responsibility of the introducers, it must be tested by that best argument—fact. This we cannot arrive at for a year hence; and the necessity for general criticism may also be conveniently postponed until that date. Nevertheless, there may be some points which admit of reasonable doubt, and it may be permitted to us to express this. It seems to me pretty broadly that the right hon. Gentleman having got 2*d.* out of us for the Abyssinian War, is going at some future time, like an honest man and a good financier, to give us 1*d.* back. I speak generally when I say this. Of course, as he cannot keep it, he will give the other to somebody else, and my doubt is founded on this. Passing over minor details of hair powder and puppy dogs' tails, the real application of this tax is to the remission on corn. Well, let me remove the right hon. Gentleman's manifest assumption that I am going to contest the propriety of this upon the ground of class interest, at least. Let it be broadly admitted, that under existing circumstances, and in present times, the agricultural classes want no shreds or rags of Protection. They want Free Trade, and they are also determined that this doctrine shall be fairly carried out. I admit that under present prices the claim could not be set up. But if I entertain doubts they are of another class. To them I call the attention of the House. I confess I was insufficiently satisfied with the right hon. Gentleman's argument upon this. He assumed too much and proved too little in this case. He held that without doubt the remission would reach the consumer. Now, is this the case? It may be one of the new lights, but upon no mean authority it has been held not. By Sir Robert Peel, and if I mistake not, by the right hon. Gentleman who now leads the Treasury Bench, it was, I say, held that this small duty could be levied for purposes of revenue, and that it did not in any way affect the price. This may to tyros seem a paradox, but the right hon. Gentleman, as it seemed to me, explained it himself. What did he tell us in another case? Why, that as regarded currants whatever we remitted would, of course, be put on by Greece. Well, the principle is the same, the only difference may be in the condition of the case. None but *doctrinaires* expect to find such absolute rule, in practice at least. But, Sir, the right hon. Gentleman tells us that it was curious that Sir Robert Peel should hold such language as this—

> "Sir Robert Peel seems curiously to have thought that a tax of 1*s.* per quarter on corn, or of 3*d.* per cwt., as it is now paid by weight instead of by measure, was really no tax at all. For so great a financier the language that he holds upon this matter is very remarkable. In his speech in 1846 he says—'I propose, therefore, that one article of grain, which I believe may be applied to the fattening of cattle, shall henceforth be imported duty-free; I mean maize. I propose that the duty on maize shall be merely nominal.'"—[3 *Hansard*, cxcv. 386.]

He means, I presume, that it was curious that Sir Robert Peel should have differed with himself, and that of course he is right; but we may not all see it in that light. Nor do I think he did justice to the argument of Sir Robert Peel when he speaks thus—

> "That this duty is something more than a mere registration duty is evident, I think, from two considerations. The first consideration is that it is perfectly easy to register the arrival of corn without it; in fact, it is no more difficult to register the arrival of corn without levying a duty of 1*s.* per quarter upon it than it is to roast a pig without burning down a house. Again it cannot be called a mere registration duty, for you have an enormous number of collateral duties on articles like tapioca, arrowroot, sago, flour, meal, and so on, all kept upon your tariff for the purpose of acting as outworks and bulwarks to protect this particular duty."—[*Ibid.*, 386.]

Sir Robert Peel did not say that it was only for purposes of registration; he said that you must have all the staff of officials, and that by these, therefore, the registration could be carried out without additional expenses. But when he tells us that—

> "You may put a duty on these articles for the protection of the Revenue; but why should you do it for mere purposes of registration, which can easily be effected without it? It was clearly the intention of its founder that it should operate only as a register; but it really is, and it has now come to be regarded as, a source of Revenue."—[*Ibid.*, 386, 387.]

This much we can admit, and it is, perhaps, upon this very ground that we may entertain doubts whether or not it is wise to remit such a tax. What, however, does the right hon. Gentleman say of this?—

> "And what sort of a source of Revenue is it? It is impossible to imagine any tax which combines more of the qualities that make a tax odious—that is, it is a duty on an article that is produced in England with no countervailing Excise duty upon it; it is there effectual as a protective duty—that is to say, it not merely raises the price of the portion of the article that pays it, but also raises the price of the portion of the article that does not pay it."—[*Ibid.*, 387.]

Well, if one-half of this was true, no doubt; but it is mere assertion nevertheless. The right hon. Gentleman did not offer one tittle of proof. Does it raise the price here? this is what we doubt; indeed the right hon. Gentleman almost admits as much. He says—

> "The consumption of wheat in this country is about 22,000,000 quarters annually; the imports are about 8,000,000 quarters, and the home growth about 14,000,000 quarters. I do not mean to say that the price of the whole 14,000,000 quarters grown at home can be sensibly raised by this tax, but I feel no doubt that the price of a considerable portion of it is, and no one can exactly say how much."—[*Ibid.*, 387.]

He believes upon ground of belief, he neither supports by statistics or facts. On general principles he claims assent to this. He says—

> "Although in the case of a small duty of this kind we cannot trace its exact incidence or measure the exact amount of the mischief it does, surely there is such a thing as faith in politics as well as in religion."—[*Ibid.*, 388.]

Well, Sir, the right hon. Gentleman may

have more than most, but when he once more asks us—

> "If we can take nothing on the strength of abstract reasoning, and everything must rest upon statistics, which it is impossible to obtain in such cases, then we may as well burn our books on political economy, and economic science is altogether useless."—[3 *Hansard*, cxcv. 388.]

Before we can accept such wholesale conclusions as this, we must, at least, learn from whom they proceed, and the right hon. Gentleman is neither infallible nor immaculate in this case. It was to the right hon. Gentleman that Mr. Mill addressed these words in my hearing in the House—

> "In my right hon. Friend's mind political economy appears to stand for a set of practical maxims. To him it is not a science, it is not an exposition, not a theory of the manner in which causes produce effects: it is a set of practical rules, and these practical rules are indefeasible. . . . . So far from being a set of maxims and rules to be applied without regard to times, places, and circumstances, the function of political economy is to enable us to find the rules which ought to govern any state of circumstances with which we have to deal—circumstances which are never the same in any two cases. . . . Political economy has a great many enemies; but its worst enemies are some of its friends."—[3 *Hansard*, cxc. 1525.]

But, if permitted to doubt whether any advantage to conscience will take place, I equally demur to the right hon. Gentleman's conclusion in another case. He once more assumes that a great entrepôt trade is about to spring up, and what is the nature of his proof? He says that between 1864 and 1868 the corn exported was as follows:—1864, 21,455 quarters; 1865, 10,851 quarters; 1866, 19,648 quarters; 1867, 63,453 quarters; 1868, 83,036 quarters—exported after payment of duty. But, that there were transhipped — 1864, 5,164 quarters; 1865, 9,239 quarters; 1866, 49,691 quarters; 1867, 169,467 quarters; 1868, 151,902 quarters; and upon this he argues that the obstacle in question is the duty. Is this so? I think not, for the same thing would apply to bonded goods. Is transhipment preferable to reshipment? Why of course it is. Ask any practical merchant this. Sir, there is one thing he has absolutely failed to point out—what great advantages merchants are to derive from warehoused over bonded goods. Why cannot they be warehoused in bond? They then pay no duty when they are taken out; but, Sir, they are transhipped, or sent on without breaking bulk, and there is an obvious reason for this quite independent of the tax. It is a mere delusion—a bait then to the mercantile class. But, Sir, let me say this—if it could be proved that by such means any real or solid advantages would accrue to the consumer or the mercantile class, then, depend upon it, the agricultural interest would most willingly forego the slight advantage it can afford to themselves. The real sufferer will be the payer of the income tax. One word more upon this: there is one consequence of this Act to which I call the attention of the House. The right hon. Gentleman has imagined a case. He says—

> "If we want to get at the real evils of the tax, let us imagine ourselves applying to it the same rules as we apply to all other protective taxes, and put a countervailing Excise duty on the home-grown article. Just fancy the exciseman let loose upon the barns and the stores of the farmers and the corn-dealers, collecting a tax of 3*d.* per cwt. on their corn all over the country. What a sensation it would create!"—[3 *Hansard*, cxcv. 387.]

Now, Sir, there is such a countervailing duty in this case, which he has forgot. The Custom House officer does come to our barns and granaries, and to a proportionate effect it does create the sensation the right hon. Gentleman describes, and it is a tax much more onerous than 3*s.* per cwt. Is the right hon. Gentleman prepared to take this off? It is the necessary consequence of this Act. This Budget signs the doom of the malt tax —the right hon. Gentleman may be quite sure of that—and we shall look to that—the Treasury—Bench for support. I shall not go into the question in detail, but I call the attention of the hon. Member for Sussex (Colonel Barttelot) who has charge of the question, to these facts. The right hon. Gentleman the President of the Board of Trade has said that it is his wish that we should have a free breakfast table; I presume that he would not confine this to the higher and middle classes. The labouring classes drink beer, and upon that ground I claim his support. On any other ground I must object to this remission which falls to the foreign producer, and whose substitute is the income tax.

Mr. BARNETT said, he had heard from the best authorities that it was not at all probable that any benefit that might accrue from the repeal of the corn duties would fall to the share of the consumer. It was well known that a large portion of the corn trade from the Black Sea was in the hands of Greek merchants, and the first thing that had happened after the proposal of the right hon. Gentleman to repeal those duties was made public, was to raise the price of corn in the hands of those merchants 1*s*. a quarter. No doubt in time the price would find its level; but, with regard to the benefit of the consumer, it seemed to him in the highest degree improbable that the abolition of 3*d*. a cwt., which would be a merely fractional part of the price of a loaf, would ever be of any benefit to the consumer. He feared the benefit would go into the hands of the middlemen — of the miller, or perhaps of the baker. It was indeed even now curious to remark the difference in price between wheat and bread, and to find that in London, at least, no proportion was kept up between the prices of the two articles. He was aware that it would not do to interfere with the trade of the baker; but it was lamentable to think that, while the farmer was selling his wheat at prices that were scarcely remunerative, the price of bread was still kept up by a combination among those who sold it, and the poor did not get the benefit. As to the 1*s*. duty itself, he did not hold that it was a question of protection. If it acted in any sense in that way it was as a tax upon the importation of foreign barley for malting purposes. There would now be a great increase in the importation of barley, and he hoped they would have the benefit of that in the price of beer. But it was inconsistent in the Chancellor of the Exchequer to remove the last remnant of Protection as between the consumer and producer of corn, while he left untouched that great impost of the malt tax, which was a constant vexation to the farmer both as a consumer and a producer.

Mr. KINNAIRD said, he would beg to remind the hon. Gentleman who spoke last that there were many districts in England where, except in the large towns, bakers hardly existed, the people baking their own bread; and in that case, at all events, the consumers would get the full benefit. Besides there were many other articles as well as corn on which the duties would be repealed by this Resolution, where the benefit would go entirely to the poor, and it would be received by them as a great boon.

Mr. HUNT said, he rose, not to make any observation upon the merits of the Resolution under consideration, but to repeat for the benefit of those hon. Members, who were not present when the subject was previously discussed that the Resolution was merely formal, and would not take effect until the administrative Resolutions were agreed to. The House would be in no wise committed by this Resolution to agreement in the plan of the Government. It was unnecessary, he believed, that a Resolution for the repeal of duties should be passed in a Committee of Ways and Means. Where a new scale of duties was to be imposed it was usual to pass a Resolution to repeal the old duties, and then to pass another imposing a new scale of duties; but, as this was a case of absolute abolition, the insertion of a clause in the Bill would have been enough, without a Resolution. They would come by-and-by to Resolutions with which he hoped the right hon Gentleman would not proceed—he referred to the substitution of Excise licenses for the assessed taxes. He thought the right hon. Gentleman would avoid all difficulties if he were to divide his financial scheme into two parts and propose them in separate Bills—the one referring to the change in the manner of collection, the other dealing with the change of the duties. If the right hon. Gentleman did not do that the one part of his scheme might have to wait for the assent of the House to the other.

Mr. CRAWFORD said, that people out-of-doors were anxious to know at what time the corn duty would be taken off; would it be when the Act had passed into a law, or, as was often the case, when a certain progress had been made in the Bill? There were merchants with cargoes of wheat on their way here, and they wanted to know what they were to do.

Colonel BARTTELOT said, he had been down in the country, and he found that the opinions generally expressed by the farmers with regard to the repeal of this duty were not unfavourable. They did not believe it would benefit the poor; but they were glad it was to be removed, for it had been constantly thrown in their teeth that they were in the enjoyment of a remnant of Protection. For his own part he was delighted that it was to be abolished. He did not think it had any effect upon wheat, but he must point out to the right hon. Gentleman that it might have considerable effect on barley. No one knew better than the right hon. Gentleman the condition of the barley trade. It was admitted on all hands that English farmers grew the best barley in the world for malting purposes, but they complained that, by the operation of the malt tax, they could not use the second-class barley in the way they desired. On taking off the 1*s.* duty he believed a great quantity of inferior barley would come in from abroad to compete with the English inferior barley. The next Resolution related to foreign beer. Now, was it fair to allow beer to be brought into this country, which might be made from any articles the producer pleased, while the manufacturers in this country were compelled to use two certain articles? To meet this they must commute the malt tax into a duty on beer. If the right hon. Gentleman would do that it would be regarded as a fair and proper solution of the question.

Mr. PIM said, that many of his constituents were interested in this question as large dealers in corn, and they had large stocks on hand. They thought they were entitled to a drawback on those stocks; but, as he saw the feeling of the House was adverse to such a proposition, he would say nothing more on that subject. But they were anxious to know the exact time at which the duty would be remitted, as to many of them the question whether they had or had not to pay the 1*s.* duty would be a question of profit or loss. If it were impossible now to state the exact day the duty would cease, it would be deemed convenient to have it mentioned that it would be off in six weeks or two months. It was considered by traders that that would enable them to get rid of their present stock on better terms than they could if the Act came into operation at once. He did not attach any value to that, for the effect of the reduction of the duty would be anticipated, but he thought it important that the trade should know when the reduction of the duty would take place.

Mr. HERMON said, he wished to know whether the remission of the duty on sago included the duty on sago flour?

The CHANCELLOR of the EXCHEQUER said, it would. He was now in a condition to answer the Question of the hon. Member for North Warwickshire (Mr. Newdegate). Owing to the smallness of the duty and the bulk of the article, in the collection of the revenue on corn the Excise officers took the merchants' account of the weight, and did not weigh the corn themselves, except where they had reason to suspect that an attempt was being made to impose on them. In future the registration would be founded on substantially the same data as that on which the duty is at present calculated; and though we could not expect to find it as exact as it is under the stimulus of a duty, yet, for all practical purposes, it would no doubt give a true account of the imports of corn. As to the Question which the hon. Gentleman seemed to feel so much about—namely, the date at which the corn could be admitted duty free—there was a difficulty in fixing a time owing to the peculiar position of the matter. It had been agreed between the First Lord of the Treasury and the right hon. Gentleman the Member for North Northamptonshire (Mr. Hunt)—representing as he did the views of the other side of the House on arrangements connected with finance—that the Opposition would allow the Resolutions to be taken *pro formâ*, in order that the Government might be able to bring on the measures upon which that financial scheme depended. He thought that if the right hon. Gentleman refreshed his memory he would recollect that this arrangement applied to all the Resolutions; because it was obvious that, unless the House consented to the change which he proposed in the collection of the revenue, which change was the basis of the remissions, the remissions themselves must fall to the ground. He now understood the right hon. Gentleman to say that his acquiescence as regarded the taking of the Resolutions *pro formâ* did not apply to the Resolution having reference to that change; but he believed that if the right hon. Gentleman refreshed his recollection he would find that it applied to all the Resolutions. The right hon. Gentleman had objected to allowing him to go beyond one Resolution on Thursday night, though subsequently he allowed him to take another. But unless the Government were allowed to take *pro formâ* the Resolution on which the new system of collection was to be founded, they could not very well advance, for the first step to be adopted in order to give effect to their plan was to convert the assessed taxes into Excise licenses. The passing of the Resolutions *pro formâ*, while facilitating the Government business, would have no binding effect on hon. Gentlemen so as to preclude them hereafter from objecting to the principle of the Government scheme. He would now answer the Question put to him as regarded the date on which the remission of the 1*s.* duty on corn would be carried into effect. Though the Resolution having reference to that remission had led to very little debate, and would be passed by consent, it would not give the Government authority to remit the duty; but as soon as the House had definitely pledged itself to the remission, which would be, he thought, when the Bill was in Committee, and when they arrived at that part of it, dealing with the duty, the Government would at once take steps to prevent any further collection of the duty. They would not feel justified in taking any other course, because it would not be respectful to the House or fair to the public. When therefore, the House in Committee had agreed to the clause abolishing the duty, the ports would be completely opened for corn.

Mr. HUNT said, he was sorry that there was any misunderstanding. When consenting to the arrangement to which the Chancellor of the Exchequer had alluded, he distinctly said that he did not understand it as applying to the Resolution for converting the assessed taxes into Excise licenses. He said at the time that he hoped the Government would allow that Resolution to remain on the Paper for a few days, in order that hon. Members might have an opportunity of considering it. He understood the Government to say that they were perfectly willing to adopt that course, and there the matter ended. He did not think there would be any difficulty in carrying out that arrangement. To the first Resolution no one objected; to the second he was not prepared to object, and he did not believe anyone else would do so. Then he did not apprehend that any opposition would be offered to the third Resolution, which had reference to the income tax. As to the fourth and fifth Resolutions, which were for the repeal of duties, he understood, from authority, that there was no occasion for them. No doubt, it might be convenient to put such Resolutions on the Paper, in order to afford an opportunity for explanation, but with a view to legislation they were unnecessary. He then came to the sixth Resolution, the only one in dispute. Though, in the main, it was a Resolution for the reduction or the remission of duties, it did, in certain cases, raise duties. For instance, in respect of young male servants, it raised the duty from 10*s.* to 15*s.* He thought that was a very questionable measure, and should not be passed as a Resolution without being made known throughout the country. Again, it appeared to him that there might be some objection to taxing carriages by weight, though he was not prepared, at the present moment, to say he would oppose it. He believed the Chancellor of the Exchequer would admit that he had shown an anxiety to facilitate him in getting the opinion of the House on his financial scheme as soon as possible, and he had no wish to throw any obstacles in his way now. As far as he understood the feeling of the House, there would be no objection to the principle of converting the assessed taxes into Excise licenses, but on the proposed alterations in respect of the time of collecting the house and land taxes, there might be some difference of opinion. He thought that the Government might give more time to the consideration of the sixth Resolution, and at the same time avoid delay by making up their mind to embody that Resolution in a separate Bill.

Mr. CRAWFORD said, he did not think the answer of the Chancellor of the Exchequer with regard to the corn duty would be very satisfactory. As no one would know when it was likely the Bill would be in Committee, the trade would be in a state of perplexity. He thought it would be better to act on the suggestion of his hon. Friend the Member for Dublin (Mr. Pim), and name a day in prospective.

The CHANCELLOR of the EXCHEQUER said, he would consider the suggestion of the hon. Member for Dublin (Mr. Pim), and give an answer on the subject to-morrow. He should be very glad indeed to prevent inconvenience to any class. As to what had fallen from the right hon. Gentleman the Member for Northamptonshire (Mr. Hunt), he was afraid they were getting into a vicious circle. He would not go into a wrangle about what was said the other night, because he was sure the right hon. Gentleman did not want to go back from anything he had said. What the Government wanted was to get that scheme carried. To effect that they wanted to get a Bill; and, in order to do this, they wanted to get the Resolutions on which the Bill was founded.

Therefore, they proposed that hon. Gentlemen should allow them to take the Resolutions to-night, *pro formâ*, and without binding the House to the contents of those Resolutions. Then, the right hon. Gentleman, while he did not object to proceeding with those Resolutions, which might be said to be independent of the financial scheme of the Government, was indisposed to allow those to be taken on which it was mainly founded; but unless he would permit the latter to be agreed to, of what avail was it that he was ready to assent to the passing of the former *pro formâ ?* The scheme could not be split up in that way; and, if the right hon. Gentleman adhered to his present view, it would be impossible for him to introduce the Bill which he had in his pocket, and which it was desirable should be placed as soon as possible before the House and the country, in order that they might be placed in possession of the proposed changes in legal form. He could not conceive how anyone could be prejudiced by allowing all the Resolutions to be passed on the distinct understanding that the House was not thereby to be understood as definitively pledging itself to any of the proposed alterations.

MR. HUNT said, he regretted that he did not seem to have conveyed clearly to the right hon. Gentleman the nature of his objection. He did not mean to oppose any Resolution which would enable the Government to press forward any part of their scheme, except that which related to the transfer of some of the assessed taxes to a system of Excise licenses. He, and those around him, were willing to accede to the adoption of any course which would not oblige them to commit themselves; but he must state that he was disposed to think the imposition of a duty of 15*s.* on men servants, without distinction of age, was not a good alteration. He rather inclined to the opinion that it would be better to remit the duty altogether on young lads, and to continue the charge of £1 1*s.* on the full-grown man. Now, let him suppose that, after fuller consideration, he should arrive at the conclusion that he ought to take the sense of the House on that point, and that that portion of the Resolution authorizing the imposition of a uniform rate of 15*s.* were struck out, the right hon. Gentleman would be compelled to resort to a Committee of Ways and Means, in order to put on the old duty on full-grown men servants, or to sacrifice the revenue derived from that source altogether. Now, that was not, in his opinion, the way in which the matter ought to be left, and while he was anxious to give every facility for proceeding with the Resolutions, he could not see that the course which he suggested was open to the objection that it would tend to produce any undue delay in the passing of the Resolutions as a whole. He understood, he might add, the Chancellor of the Exchequer to assent the other night to his proposal that the Resolutions to which he particularly referred should lay two days on the table.

THE CHANCELLOR OF THE EXCHEQUER replied that the Resolutions relating to the transference of assessed taxes to a system of Excise licenses constituted the very key of the financial scheme, and that unless that change were assented to by the House it would be impossible to proceed with the scheme at all. It would be of no avail that the Resolutions embodying certain remissions of taxation were agreed to if the Government were not allowed to carry out that other part of their plan on which their ability to make those remissions depended. The House might reject that part after the remissions had been decided upon, and thus land him in a deficit. Under these circumstances the qualified assent which the right hon. Gentleman had given with respect to the passing of the Resolutions was worthless.

MR. GLADSTONE said, he felt bound to acknowledge the conciliatory and courteous spirit in which the right hon. Gentleman (Mr. Hunt) had, on a former evening, responded to the appeal which had been made to him in the interest of the public with respect to the passing of the Resolutions, and he (Mr. Gladstone) hoped the right hon. Gentleman would not mar the real value of the assent which he then gave by adopting the course which he now indicated it to be his intention to pursue. A sum of £600,000 depended on the proposed change of certain assessed taxes into a system of Excise licenses, and his right hon. Friend the Chancellor of the Exchequer would be unable to go on with his remissions until that alteration was agreed to. After all, the point for which the right hon. Gentleman contended was a small one, and he trusted he would not impede the progress of an important measure by insisting that a material portion of the financial scheme should be inconveniently delayed.

Mr. HUNT said, he could not understand how the scheme of the Government could be materially affected by the adoption of the course which he proposed. When the House was in Committee of Ways and Means, he might add, was, in his opinion, the proper opportunity for the discussion of such changes as those to which his remarks specially referred, because then it was open to a Member to speak several times in the course of a debate, which he would not be able to do on the Motion for the second reading of a Bill. The right hon. Gentleman who had just sat down said that the point for which he was contending was a small one, but he did not mean to confine any observations which he might make simply to the tax on servants. He was anxious to make some observations on the whole scale of duties as proposed, those relating to carriages, armorial bearings, and the duty to be paid by horse-dealers. He doubted whether the proposed change would not raise that duty on country dealers, ["No, no!"] The taxes on carriages and armorial bearings, and the question whether young servants should be taxed to the amount of 15*s.* were, in his opinion, matters worthy to be considered in Committee of Ways and Means. He disavowed all intention of interposing in order to embarrass the Government. There would, he believed, be no opposition to the conversion of the assessed taxes into license duties—but the details of that scheme required much consideration, and he could see no reason why the subject should not be embodied in a separate Bill.

The CHANCELLOR of the EXCHEQUER said, that in order to secure the discussion of those minor questions the right hon. Gentleman had interposed to prevent the advancement of a measure which was necessary for the purpose of bringing before the House legislation that would deal with an enormous amount of taxation. After all, this was a question not for discussion but for consent, and if the right hon. Gentleman persisted in withholding his consent, there would be no use in prolonging the discussion. For his own part, he could only say that he had done all he could to bring the matter under the consideration of the House.

Mr. DISRAELI said, there had no doubt been a considerable misconception, but it had entirely arisen from the erroneous impression made by the right hon. Gentleman himself having at the outset declared that he was only asking for what was a new arrangement *pro formâ.* He thought the House ought always to hesitate before relinquishing its privilege of entering in a regular manner into a discussion of details of this importance in Committee of Ways and Means. He was of opinion that the points referred to by his right hon. Friend might be regarded with much interest in the country, and the House therefore ought not to forego its right to discuss those points in Committee. His right hon. Friend had declared his willingness to fulfil the engagement he entered into the other night with the view of facilitating the course of the Government business, but then his right hon. Friend had shown that the Chancellor of the Exchequer might have avoided all difficulties if he had chosen to proceed by two Bills instead of one. That, indeed, would be a much easier mode of attaining the end in view, and consequently, it was unfair for the right hon. Gentleman, who had adopted a course likely to produce considerable public inconvenience, to turn round and charge his right hon. Friend with a reluctance to fulfil an engagement which he was quite willing to fulfil, at the present moment. It was also unfair for the right hon. Gentleman to describe the objection entertained by the Opposition to relinquish their privilege of discussing the propriety of items of taxation in Committee of Ways and Means as a refusal to take a course which was merely *pro formâ.* It would greatly facilitate the course of public business, and the right hon. Gentleman would reap considerable benefit hereafter, if he would adopt the suggestion of my right hon. Friend, and divide the measure into two parts.

Mr. GLADSTONE said, that the division of the measure into separate Bills was open to objection on various grounds. That, indeed, was the course pursued some years ago; but the subject was then seriously considered, and the present mode of procedure was deliberately adopted by the House. It was not necessary, however, to fall back upon these considerations nor, he might remark, had anybody charged the right hon. Gentleman opposite with the non-fulfilment of an engagement. The practical point was this—The Chancellor of the Exchequer had represented that, in order to enable him to go forward with his proposals, it was necessary that the sum of £3,350,000 should be placed at his disposal by the changes he intended to make in respect to the collection of income tax, house tax, and land tax, and the conversion of the assessed taxes into Excise licences. But without that £3,350,000 the right hon. Gentleman could not get his remissions, and without the sixth Resolution he could not get the whole of the £3,350,000, because he wanted £600,000 which could not be obtained unless that Resolution passed. Under such circumstances, instead of presenting a surplus, the right hon. Gentleman would have to present a deficiency, and consequently to object to his obtaining a part of this sum was tantamount to objecting to his obtaining the whole; so that, in a purely financial point of view, it was not open to his right hon. Friend to divide the Bills, for if he did so the Bill giving him the necessary £600,000 would lie behind the other Bill.

MR. HUNT said, he was anxious to help the Government out of the difficulty. He would, therefore, suggest that two Bills should be brought in and referred to the same Committee, so that they might be eventually incorporated into one Bill. He repeated that he had done all he could to facilitate the progress of Public Business. As he stated the other evening, all he wanted was that the country should be allowed a few days to consider the proposals now embodied in the sixth Resolution. The Resolution was only delivered to hon. Members on Saturday morning. He should now be satisfied if the right hon. Gentleman would postpone the Resolution to Friday, whether the matters were included in one Bill or two. In the meantime, Members would have an opportunity of ascertaining the opinions of their constituents.

THE CHANCELLOR OF THE EXCHEQUER said, the only objection to acceding to the right hon. Gentleman's wish was that the Paper for Friday was already full, and he was sure the right hon. Gentleman would not wish the discussion on this subject to be taken at an early hour in the morning. ["Go on."] He had, therefore, no option in the matter. He could not go on without consent, and that consent he could not get.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Chancellor of the Exchequer.*)

MR. HUNT said, he had endeavoured to give the right hon. Gentleman every facility consistent with the privileges of the House; but, as representatives of the taxpayers, they had a right to have these matters freely discussed in the usual mode in Committee of Ways and Means. There were some other parts of the financial scheme on which he had intended to make some remarks on the Resolution granting 6*d.* in the pound for income tax being brought forward. As the right hon. Gentleman now proposed to report Progress, he supposed that it behoved him (Mr. Hunt) to make his remarks on the present occasion. He was anxious that the different considerations which, in his opinion, ought to be submitted to the Committee should be brought before it at an early period, in order that there might be time for a full discussion, and that Members might have ample opportunity of considering the issues raised. The discussion on the subject at the present time would, therefore, rather assist the right hon. Gentleman than otherwise. Now, he wished, first of all, to go into the statement of the right hon. Gentleman with regard to the revenue and surplus he anticipated, and the mode in which it was proposed to deal with the surplus. The right hon. Gentleman had estimated his Revenue at £72,855,000, and stated the other night that he assumed the income tax was to be at 6*d.*, by which means he showed a very large surplus. But it was a question whether the income tax ought to be assumed at 6*d.* for the purpose of such a calculation. Before any Votes were taken for the Abyssinian War the income tax stood at 4*d.* On the first occasion when a Vote was taken in respect of the Abyssinian War an extra 1*d.* was put on the income tax. Now, it would be remembered that in his statement last year he (Mr. Hunt) made a distinction between a tax that was necessary for ordinary purposes and a tax required for special purposes such as the Abyssinian War, and on that occasion 2*d.* was added to the income tax for the purpose of defraying the war charge. The right hon. Gentleman said that the Revenue of next year would amount to £72,855,000, but in reply to that he (Mr. Hunt) had asserted the other evening that the right hon. Gentleman ought to take off about £3,000,000 from that in respect of the sum which represented the war tax. That £3,000,000 must be divided into two parts. The estimated Revenue of the right hon. Gentleman contained within it the arrears of the war tax of last year. Last year he (Mr. Hunt) estimated that the whole of the tax would not be collected within the year, but that about £1,100,000 would remain to be collected in the current year. But when the right hon. Gentleman stated the other night that there was a deficit on his (Mr. Hunt's) estimate for income tax, the right hon. Gentleman did not inform the House, as he would probably have done if the Estimate had been his own, that there had been no loss of revenue but merely a postponement of collection. The right hon. Gentleman did not think fit to make that explanation, but the Third Lord of the Treasury admitted that, although there was a deficit, no loss to the Revenue would accrue. He believed that in the Revenue which the right hon. Gentleman now estimated, about £1,250,000 would be due to the arrears of the war tax. It was necessary, then, to deduct from the right hon. Gentleman's estimate of Revenue the 2*d.* of income tax which would fall due within the year. He took that at £1,780,000. That would leave a Revenue of £71,075,000, still containing the arrears of that 2*d.* of income tax to which he had alluded. Taking the expenditure at £68,223,000, the surplus remaining would be £2,852,000. The right hon. Gentleman stated, the other night, that he expected to gain by the conversion of the assessed taxes into a license tax, and by the alteration of the period of collection, £3,350,000. That would give him a surplus of £6,202,000. The right hon. Gentleman said the Abyssinian liabilities were £4,600,000, and when that sum was deducted from the corrected surplus, after taking away the war 2*d.* of income tax, the real surplus he would have to deal with, after his gains by the proposed changes, would be £1,602,000. Then the right hon. Gentleman proposed to make remissions, independent of the income tax, to the extent of £2,050,000; so that even with the fifth 1*d.* of income tax he would have a deficit of £448,000. He made those explanations in order that it might be understood by the Committee and the public that the right hon. Gentleman had not taken off 1*d.* of the income tax. What the right hon. Gentleman virtually did was to put on 1*d.* of income tax. By his scheme—and he gave him every credit for its ingenuity as far as related to the income tax, the land tax, and the house duty—he proposed to gain £3,350,000. But at whose expense were those gains to be made? What taxes did he operate upon in order to get them? Why, upon the direct taxes; and so far as the inconvenience occasioned to the tax-payers went, it was an inconvenience to the very persons on whom the right hon. Gentleman sought to impose 1*d.* of income tax. Therefore, the payers of direct taxation might well question the propriety of that 1*d.* being imposed to enable the right hon. Gentleman to make what would no doubt be very popular in the country—namely, the different remissions which he proposed. Let it not be supposed that that 1*d.* was necessary to meet the liabilities for Abyssinia; the right hon. Gentleman's clever scheme would do that without recourse to that extra 1*d.*, and still leave them a considerable surplus. So that, in point of fact, that extra 1*d.* was put on, not to pay off the Abyssinian claim, but to enable him to make remissions of taxation. He had stated the other night that he thought it quite possible the right hon. Gentleman might be making remissions and showing himself very generous at the expense of posterity, and he still believed there was some ground for that apprehension. He would take the Revenue for the year 1870-1. It was not usual to take Estimates beyond one year, but where they were making large remissions of taxation it was justifiable to look a little to the future. He would take the Revenue of 1870-1, then, exactly on the basis of the right hon. Gentleman's calculations for the present year, taking off the extra 2*d.* of income tax and leaving that impost at 4*d.*, and reckoning the other taxes as being the same as now, and also taking the expenditure at the same amount. According to that calculation the Revenue of 1870-1 would be £70,075,000, and the expenditure £68,223,000, leaving a balance of £1,852,000, from which had to be deducted £1,200,000 as the arrears of income tax which they would get in this year's Revenue. Taking the remission on fire insurance at £730,000, on corn at £900,000, on locomotion and assessed taxes at £420,000, these items taken together made remissions to the extent of £2,050,000. Now, the surplus they would have next year would not suffice for those remissions by the amount of about £400,000, unless they took into account the arrears of assessed taxes that the right hon. Gentleman would collect in the year 1870-1, and which he took at about £700,000. But the question was this—would they be able to collect those? The right hon. Gentleman the other night spoke of certain halcyon days during which, or for nine months, no assessed taxes would be levied. ["No!"] That was what the right hon. Gentleman said the other night, and he was also so reported in the newspapers. [Mr. Lowe was understood to say he had spoken, not of assessed taxes not being "levied," but of their not being "incurred."] But who were to enjoy those "halcyon days?" Only those persons who had no articles on which the duties were levied before the 5th of April of this year, and who afterwards began to keep them. Such persons would escape altogether for those nine months; but there would be no halcyonic boon at all conferred on those who next year would not only have to pay the new license duties, but also the duties in respect of the articles kept by them before the 5th of April, 1869. When the alteration was made in regard to the dog duty—the first experiment in the conversion of assessed taxes into license duties—the assessed tax on dogs was reduced in the last year of the assessment by the amount of the Excise duty. The Excise duty was *5s.* in that case, and the tax having being reduced from 12*s*. to 7*s*. no complaint was made that people had to pay in one year taxes for two years. From the expression used by the right hon. Gentleman the other night he had thought the owners of articles now liable to assessed taxes were going to get something of a boon; but from the right hon. Gentleman's correction, and from the Papers before them, it seemed they were to have no boon whatever, but would be subject to a very considerable inconvenience. If the spirit of the arrangement carried out in respect to the dog tax were observed in this case, the persons who paid the new license duties on the 1st of January should be allowed to deduct the amount of those license duties, or a part of it, from the payment of the second moiety of the assessed taxes due from them on the 5th of April following for the year 1868-9. With regard to the balances of the Exchequer, the hon. Gentleman the Member for the City of London (Mr. Crawford) the other night said it was important to consider what the effect of the right hon. Gentleman's propositions would be upon those balances, and he also added that the right hon. Gentleman's secret had been well kept. From that latter remark he gathered that the Chancellor of the Exchequer had devised that plan without any communication whatever with the Governor or the Deputy Governor of the Bank of England. [Mr. Crawford: Hear, hear!] He confessed that he was rather surprised that the secret had been kept from his hon. Friend who sat behind the Chancellor of the Exchequer, because he knew it had been the practice for Chancellors of the Exchequer to consult confidentially those great authorities on a point on which they were so competent, whatever might be their politics, to give their advice, which he was sure would be given in the frankest manner. and without the least risk of any breach of confidence. He repeated, therefore, his surprise that that part of the scheme—changing the period when some of the taxes would be paid into the Exchequer account at the Bank—had been kept entirely secret from those authorities. That was a matter as to which the right hon. Gentleman ought to offer some explanation when next he addressed the House, because the question of the Exchequer balances must be regarded as very important in two financial points of view. And first, as respected the power which the Government had over the money necessary for the service of the country, by the proposition of the right hon. Gentleman (taking the figures of 1868 as their guide), £2,600,000 or thereabouts, would not be paid into the Bank in October for income tax which was customary so to be paid. Then, he believed, that on the Income Tax account about £4,000,000 would be paid into the Bank in January, more than was usually so paid in. Next, with regard to the land and assessed taxes, he believed that about £1,500,000 would not be paid into the Exchequer account at the Bank, at the usual period in October, and the corresponding period in April, but that £3,000,000 more than was customary would be paid into that account in January. If that were so — and he did not pledge himself to particulars, but had given the figures as far as he could ascertain them—there would be in October £4,000,000 less paid into the Bank than usual, and in the following January about £7,000,000 more than usual would be paid in. Now, that would be important in two points of view. In the first place, because the Exchequer would not be fed from the usual sources of supply in the first period, the Government might between October and January be brought into a position of considerable embarrassment, in order to obtain the supplies for that part of the year. But when January came, there would be a larger sum than would be necessary, either to re-pay the advances that might have been required, or for the immediate purpose of paying the charge on the Consolidated Fund, or for the Supply services. Well, if that were so, he would really ask for information from the Chancellor of the Exchequer, because the right hon. Gentleman might have made some arrangements which would neutralize any possible inconvenience on this head; and if he had, the Committee of Ways and Means would give a fitting opportunity for affording the necessary explanations. If the case were as he had put it, the Government might require large advances from the Bank, in order to carry on the services of the country up to January, and for those advances it would have to pay interest; and then they might afterwards have deposited at the Bank a very large sum beyond what would be required for the immediate service of the country, and for which they would get no interest. If that were so, it would, in his opinion, require consideration, whether the deposits in the Bank in January should not bear interest, in order to meet the large charge which would be occasioned by the advances which the Bank had made previously to January. Then there was another point which did not affect the Government directly, but did very materially concern the public out-of-doors and the discount trade—and that was, if the Government caused a great disturbance of the market, and a great transfer, from one quarter to another, at an unusual period of the year, of the possession of money. Instead of a large amount of money coming into the Bank and being available for general purposes —either for the purposes of the Government, or the supply of the market—the Bank would be minus in supplies from October to January; and then, at the beginning of the year, a large sum would be coming in from different sources — among others, from sources which were now in the habit of feeding the discount market; and, thus, they would put into the hands of the Bank the whole control, if it liked to use it, of the discount market. That was a matter to which the right hon. Gentleman the Chancellor of the Exchequer ought to have alluded when he introduced his scheme. The right hon. Gentleman had alluded to the working of his scheme, as far as it related to the resources of the Government, and to their having money in the public accounts at the Bank for the purpose of carrying on the public service, but he did not refer to it so far as it might affect the general money market. As far as he had been able to consider the matter, in the very short interval that had been afforded them, it appeared to him that the course proposed by the right hon. Gentleman might create an extraordinary fluctuation in the rate of discount; because, if the Bank, which had now tolerably equally throughout the year the command of the Government resources, were starved of its supply during one-half the year, and then had got a better supply than usual at another period, it could enforce its own terms on the market; and that was putting the Bank of England in a position which the House should consider whether it ought to allow it to occupy. These were matters worth an evening's discussion; and, as the right hon. Gentleman had not seen his way to proceeding with his Resolutions that night, he should very much like to hear the opinions of persons of authority, as to the probable effect of the Chancellor of the Exchequer's scheme on the money market and the Bank of England. He regretted that there had been lost to the House at the last election many gentlemen who would have been able to speak with authority on this subject. There were Mr. Kirkman Hodgson, Mr. Thomson Hankey, and Mr. Hubbard, who always took part in debates of that nature, and were capable of guiding the House. These were very delicate questions, when they were engaged in discussing the transfer of such large sums from one period of the year to another, and no doubt the change must considerably affect the money market. He was glad however the General Election had spared a Gentleman of great authority whom he saw opposite, his hon. Friend the Member for the City (Mr. Crawford), because he occupied a very responsible position with respect to the Bank, and to-morrow his position would be still more responsible. He hoped, therefore, his hon. Friend would not content himself with the few observations he had made the other night, but would give his opinion more fully with respect to the proposed changes. There were, he had no doubt, other hon. Gentlemen who had lately come into the House, who were good authorities on this subject. He should like that some of these hon. Members, with whose business capabilities their Friends were acquainted, would give their opinions, and he had no doubt they would command the confidence of the House. There was another point which he would mention, and that was the effect of these alterations upon the individual tax-payer. That was a matter which would, perhaps, excite more general interest out-of-doors than the point of view from which he had just looked at the propositions of the right hon. Gentleman. The other evening, when the right hon. Gentleman announced his scheme, there was not entire unanimity in the House with respect to the periods when the payments of the different taxes would in future have to be made. But any doubts on that head had been cleared up by a Paper which had been laid on the table by the hon. Gentleman the Secretary to the Treasury. From that Paper it appeared that in January, 1870, the income tax on Schedules A, B, and D for the financial year 1869-70 would be payable. On the same day payment might also be required of the land tax and the house duty for that year. On the same day payment would have to be made for license duty for articles kept in the year commencing on the 1st of January, while on the 5th of April following the second moiety of the assessed taxes would be payable. He had referred to the last subject before, but, with respect to those payments of income tax, land tax, house duty and license duty for the whole year being all concentrated upon the month of January, or that quarter, he should not be at all surprised if they were to have strong remonstrances from the tax-payers against allowing all these taxes to fall for payment within that time. He would reserve his opinion upon that matter now, as he had done the other night, because it was impossible to say until the question was more fully discussed how far the arrangement would affect the pockets of the tax-payers. With regard to the income tax persons were sometimes not familiar with the different classes of taxation which came under the different letters; but, on referring to the sixteenth page of the last Report issued by the Commissioners of Inland Revenue, they would find it explained, and would see that the tax collected under the classes denominated C and E was very unimportant in comparison with the full amount, and that it was the Schedules A, B, and D which brought in far the greater part of the sum received. In 1868, for instance, Schedules A, B, and D brought in considerably over £5,000,000, the total produce of the tax being £6,840,000. Then the land tax brought in a little over £1,000,000, and the house duty a little over £1,000,000 also, and these were the very taxes which, according to the scheme now proposed, would be reduced to £1,500,000. He confessed he did did not understand the other day the proposition of the right hon. Gentleman, but the Paper which had been laid before the House had entirely cleared up the matter. As he understood it, then, two quarters of the income tax were to be paid in January, or, in other words, the payment of the first two quarters would be postponed from October to January. That would be in favour of the tax-payer; but the third quarter would be payable in January and the fourth quarter would be accelerated and brought back to January also. Well, people questioned whether the advantage to the tax-payer from the payment of the first two quarters being postponed, would not be outweighed by the last quarter's tax being accelerated and made payable in January. Even supposing the general scheme were adopted, it was questionable whether it would be wise in the interests of the tax-payer to make all his payments on account of direct taxation fall in January. If, too, the Chancellor of the Exchequer could see his way to alter this, his doing so would remedy another defect in his proposal, it would prevent the Exchequer being almost empty at one time and full to repletion at another.

Mr. CRAWFORD said, none lamented more than he the absence from the House of those Gentlemen mentioned by the right hon. Member for North Northamptonshire (Mr. Hunt); but, with regard to his Friend Mr. Hodgson, he was bound to remind the right hon. Gentleman that it was owing to his own friends that Mr. Hodgson was not among them. With reference to the right hon. Gentleman's remarks, which were deserving of much consideration, he had not yet had the opportunity of inquiring particularly into the sources whence the public payments were made to the Bank from one quarter to another; indeed it was not the duty of a banker to inquire as to whence his customers derived their income; his business was rather to receive the money, and have it ready for his customers when called upon. He agreed with his right hon. Friend that it was inexpedient to adopt a system which might result in large sums falling due at one particular period of the year; and there was some reason for his apprehensions that the Government would find itself short of money towards the end of the year, but he should bear in mind that, at that period of the year although the Bank would not hold the money for the Government, the public would hold it for themselves. The questions arising out of the abundance of money at the Bank in the first quarter of the year would have to be settled between the Government and the Bank authorities; and, speaking for the Bank, he was sure any proposal the Government might make would be fairly considered. Without following the right hon. Gentleman into the region of prophecy, he believed he was not very far wrong in the estimate he had made. As far as the scheme of the Chancellor of the Exchequer depended upon the anticipation in January next of future collections, he for one was prepared to consent to it, and the opinions he had heard expressed in the City, together with the opinions of the Press, including the weekly Press, led him to believe that the scheme was generally approved by the public.

Mr. NEVILLE-GRENVILLE said, he had heard it frequently stated out-of-doors that they had this year a rich man's Budget and not a poor man's; and certainly there was ground for this remark. He would rather it had been otherwise as far as the assessed taxes are concerned. A person of consideration at present paid upon his armorial bearings £2 12*s.* 9*d.*; in future, presuming the Chancellor of the Exchequer's scheme adopted, he would pay £2 2*s.* If he kept six servants, he paid £6 6*s.*; in future, he would pay £4 10*s.* If three of those servants wore hair powder, he paid on that account £3 10*s.* 6*d.*; in future, he would pay nothing. For his four stablemen he paid £4 4*s.*; in future he would pay £3. For his gardener he paid £1 1*s.*, and for his two under-gardeners £1 1*s.*; he would in future pay £2 5*s.* for the three. For his two gamekeepers he paid £2 2*s.*; in future he would pay £1 10*s.* For his two under-gamekeepers he paid £1 1*s.*; he would pay £1 10*s.* Altogether he paid at present £21 18*s.* 3*d.*, whereas in future he would pay only £14 17*s.*; or, in other words, he would gain by the Budget proposals 35 per cent. A neighbour of this more wealthy resident—say, the doctor—who now paid for the lion rampant on his forks 13*s.* 2*d.*, would have to pay £1 1*s.*; if he happened to employ a boy he would have to pay 15*s.*; his only gain would be paying 15*s.* instead of £1 1*s.* for his gardener. Altogether he would pay £2 11*s.*, instead of £1 14*s.* 2*d.*; or, in other words, be a loser by the Budget to the extent of 30 per cent. He would be glad to see the words page, under-gardener, and stable-boy struck out of the list, as there was much difficulty in saying when a lad ceased to be a labourer and became a gardener; moreover, the tax would prevent many a person taking a boy into his employment when kindness would otherwise induce him to do so.

Mr. SAMUDA said, that, notwithstanding the Chancellor of the Exchequer's explanation, considerable doubt existed as to the effect the proposed changes would have. As he understood, it was proposed to take at once the last payment of the income tax for 1868-9; and, so far as he could learn from those he had spoken to upon the subject, at least half-a-year's tax would be governed by that proposal, half-a-year having been paid in most instances within the last few days. Then, as he understood, it was proposed in January next to take the entire of the tax for 1869-70; so that a year-and-a-half's income tax would be gathered in during the year ending the 31st March next. He understood also that the Chancellor of the Exchequer proposed to alter the period at which the return to the income tax was to be made, and that it was to be from January to January, instead of from April to April. [The CHANCELLOR of the EXCHEQUER: I have made no such proposal.] He was glad to find that he was misinformed upon that point, but he wished for information on the other matter.

MR. HENLEY said, he wished to call attention to what appeared to be the consequence of a Paper delivered to Members that morning as to the periods at which the taxes were to be paid. The land tax was included among them; and he wished to ask the Chancellor of the Exchequer and the Prime Minister whether they had well considered certain facts. In many parts of England, including the county he had the honour to represent (Oxfordshire), the land tax was 2*s.* in the pound, and when you come to add an half-year's tax that brought the amount of the land tax up to 3*s.* in the pound. Add 9*d.* in the pound for income tax—that was to say 3*d.* and 6*d.*, and that made 3*s.* 9*d.* in the pound. When the assessed taxes were added it would be found there was not much left out of 4*s.* in the pound to be paid on the first three months of the year. In the county in which he lived the land tax was as high as in any part of England; and it certainly would be a great inconvenience to many landowners to have to pay 20 per cent upon their income in three months of the year, especially the quarter in which the Christmas bills had to be provided for and paid out of the accumulations of the year. If 20 per cent of income were to be absorbed by taxes in that three months, the Christmas bills would have a very ugly chance, and at all events would have to be postponed. The arrangement, whether it was or was not a good one in other respects, would bring great inconvenience upon some classes of people.

MR. CRAUFURD said, he desired to be informed by the Chancellor of the Exchequer in what way the Budget Resolutions would affect tax-payers in Scotland, where for some time taxes had been collected in January with satisfactory results to the Exchequer and to the taxpayers themselves. What they particularly wished to know was whether they would have in January next to pay two years' taxes instead of one?

MR. BARING said, he could not help thinking that to have a surplus at one period and a want of money at another must be in some way inconvenient to the country at large. He had always supposed that it was a good rule that the Government should get money at the time it was wanted, and that it should be obtained in the way that was most convenient and least onerous to the taxpayer; but it seemed to him that the plan of the Chancellor of the Exchequer was contrary to these principles. It was not to be supposed that every year, as in this year, owing to the Abyssinian War debt, the Chancellor of the Exchequer would want the taxes of the country twelve months in advance; and if he did not, why should the House let him have them? There was no advantage in depositing money with the Chancellor of the Exchequer before it was absolutely needed. The payments of the Government were spread over the year, and why should not the payments to the Exchequer in like manner be spread over the year, except for the special reason assigned just now? It seemed to him that the principle of the gradual payment of taxes was a sound one; and it was not only unsound but it was injurious to pay money into the Treasury in the way that was least convenient and most onerous. The payment for twelve months at once fell upon special classes; the fundholder would pay twice a year; and why was an exception to be made in his case when landlord and tenant paid at once? He doubted very much whether taxpayers would find it more convenient to pay a year's taxes at the beginning of the year. If he had had to pay £100 at the end of the year, and he was called upon to pay at the beginning of the year, that £100 did not fructify in his pocket, and he lost all the interest and profit he could have made out of it during the year. In this way the tax-payer was made to pay more than it was intended he should pay, and more than he ought to pay; he was made to sacrifice the interest upon his money and the profit he might have made out of its use. It seemed to him that the system which the right hon. Gentleman proposed was fraught with very disagreeable consequences and some danger. The right hon. Gentleman said that it was very convenient that the Government should be provided with money in case of a war breaking out, but he confessed he should be sorry that every Government should always have the means of making war; and he did not see why payments should not be made into the Treasury in proportion to the regularly estimated wants of the Government, and why they should be made in anticipation of the wants of the country. The right hon. Gentleman under-estimated the inconvenience which his plan would occasion to the commercial community by the financial changes and fluctuations it involved, and he also under-estimated the hardships and inconvenience that would be inflicted upon the taxpayers of the country, excepting the fundholders. He (Mr. Baring) trusted the question would be seriously considered by the Government and the House. As to the question of the income tax, there was always a reluctance on the part of Chancellors of the Exchequer to take anything off that tax. The right hon. Gentleman said it was just to reduce it because it was put on for the Abyssinian War, and the war was now over; but he only reduced it by 1*d.*, whereas 2*d.* had been put on for the war. Surely, if it was just to take off 1*d.*, it was just to take off 2*d.* We went on, however, drifting into an entire reliance for our national resources upon direct taxation. The removal of the 1*s.* duty upon corn, which swept away £900,000 of Revenue, might take away a sentimental grievance; but 1*s.* a quarter was only a nominal duty, and its removal would not have any practical effect upon either producer or consumer. The duty was one that pressed upon nobody and injured nobody; but, if necessity arose, it could not be replaced, and we must fall back upon the income tax. If the £900,000 had been taken off tea and sugar, there might have been a sensible benefit to consumers. If the income tax were taken off when not needed, there was an excuse for putting it on again in case of emergency; but to put it on for an emergency and not take it off afterwards was a financial policy which might lead to serious consequences; it would affect industry, and instead of giving the labourer a cheap breakfast, it might lead to his having no breakfast at all. He would urge upon the Chancellor of the Exchequer and the Prime Minister the desirability of adopting some arrangement which might remove anxiety in the City, and by which the payments to the Revenue might be better regulated.

Mr. MONK said, he desired to call attention to the wording of the sixth Resolution, which, he believed, contained one of those ambiguities which so frequently led to the evasion of the payment of taxes. By this clause payment was provided "for every male servant employed, either wholly or partially," in the performance of certain duties therein enumerated. Many persons entertained the idea that this referred only to such servants as were employed by the year, though he presumed it referred equally to those employed for a shorter period also. Gentlemen frequently placed an extra hand in their stables during some of the winter months, or for some period of the year employed additional men in watching their preserves, and the men so employed were for the most part agricultural labourers, in respect of whom no taxes were paid. He would suggest either that licenses should be granted for a shorter period than a year, by which means he believed a gain instead of a loss would accrue to the revenue, or that the word "persons" should be substituted for "servants." The result, he believed, would be to obtain the payment of the taxes under this Resolution from those who at present evaded it, or considered themselves to be not liable to it.

Mr. STEPHEN CAVE said, he agreed with his hon. Friend the Member for Huntingdon (Mr. Baring), but thought enough had not been said as to the danger and inconvenience which must, under the scheme of the right hon. Gentleman, arise from the heavy payments which would be made at one period of the year, and the absence of such payments at others. Of course, in the weekly accounts of the Bank of England, the public would see at certain times a large addition to the item of deposits, and whether those deposits remained in the Bank or were employed to feed the discount market, the result would naturally be to lower the rate of interest, cause considerable disturbance in the money market, and occasionally to foster undue speculation. When the rate of interest was unduly depressed speculation, as everyone knew, was the result. At another time of the year these funds would be rapidly diminished again, and that might cause a panic, for panics had been caused simply by an abnormal abstraction of money from the Bank at one of those periods of the year in which there was an ordinary drain. In such matters as these the public were very unreasoning, and it was extremely likely that if there were any disturbance in the commercial or political world generally at such a moment the abstraction of money in this way would cause a panic. We could not be too cautious in these matters; and, though the Bank of England would no doubt acquiesce in any arrangement which might be thought necessary to obviate this inconvenience, he thought it would be better if the Committee, before assenting to these Resolutions, were made acquainted with the plan that might be proposed, for the purpose of avoiding what was at once a source of inconvenience and danger.

MR. W. FOWLER said, he agreed in the opinion that considerable danger might arise from the payment of very large sums into the Exchequer at one time, and the total absence of such payments at others. His calculation of what would be paid in the January quarter was somewhat different from that which had been estimated by the right hon. Gentleman. He believed that £8,100,000 would be paid in on account of these particular taxes, instead of £4,000,000, which would be the amount under ordinary circumstances. The result would be that the Government must either have a large sum of money continually lying idle, or they would at particular times of the year be compelled to borrow very largely. It was obvious that a great loss to the Government and a great loss to the nation would accrue if large sums of money were allowed to lie idle; and, on the other hand, if the Government were known, as they must be from the Bank Returns, to be large borrowers, the public would think it much against their interest, especially if the money market should be in a sensitive condition. Hon. Gentlemen, he was afraid, scarcely appreciated the delicate nature of the money market, or were fully alive to the fact that the abstraction of £1,000,000 had frequently caused the Bank rate to rise 1 per cent. The abstraction of £1,000,000 of bullion had before now gone far to create a panic in Lombard Street, and he perfectly remembered an occasion when the abstraction of £1,000,000 from Scotland had seriously affected the money market. The Chancellor of the Exchequer might, perhaps, say that such a result was inevitable, as it was a necessary part of his scheme. Appreciating that scheme as he did very highly, he still thought with the right hon. Gentleman opposite (Mr. Hunt) that the Committee ought to know something more in detail before they sanctioned the arrangements proposed. No question in the whole of the Budget was, in his opinion, so important. The Bank Returns in the three years after the commercial crisis showed that there were only £7,250,000 of notes unemployed, and of that amount £4,000,000 consisted of reserves of bankers. That state of things was not satisfactory, and anything that threatened to create an oscillation in so sensitive a money market must be attended with danger.

SIR GEORGE JENKINSON said, he had had the advantage of seeing some of his constituents and others in the country since the Chancellor of the Exchequer had made his financial statement, and his attention had been called to the hardship which would result from the compulsory payment of such large sums of money in the course of six months. His constituents had urged that in October they would have to pay half-a-year's assessed taxes, in January a whole year's assessed taxes and income tax, and in the April following they would have to pay a second moiety of the assessed taxes now due. Thus, in the course of six months the public would have to pay two years' taxes. He believed the hardship resulting from this had scarcely been realized. He would suggest as a means of alleviating the hardship, and also of bringing money quickly into the Exchequer, that the Chancellor of the Exchequer should allow a discount of 10 per cent to those who would be willing to pay within three months, say by the 1st of July, the one year's assessed taxes due this April, and half of which would, under ordinary circumstances, be payable in October and the other in April next. If he would do this, and forego for one year more the remission of the 1*s.* duty on corn, the right hon. Gentleman might reduce the income tax to 4*d.*, as it was before the Abyssinian War. As to the corn duty there were many people, himself included, who were even ignorant that such a duty existed; and he was sure that it was a tax which nobody felt, and the remission of which would not benefit the consumer, though it might benefit the dealer and the miller.

MR. M'LAREN said, he had nothing to say against the Budget generally, but he wished the Chancellor of the Exchequer to correct a small oversight in the Resolution affecting fire insurances. Insurance offices in Scotland had requested him to call the attention of the right hon. Gentleman to this matter. In England the fire insurance duty expired on the 25th June, but in Scotland all fire insurances were made to expire on the 15th of May. If the Resolution passed in its present shape the consequence would be that every fire insurance office in Scotland would be put to a disadvantage as compared with the offices in England. He therefore asked the Chancellor of the Exchequer to consent to this alteration—that the duty on fire insurances in Scotland cease on the 15th of May. The difference as far as the revenue was concerned would be very trifling; but the convenience which that alteration would produce to parties concerned would be very great. In the fourth Resolution, relating to assessed taxes, a difference had been made, but that was against Scotland; for, while the old rates of taxation continued in England only up to the 5th of April, they were continued in Scotland to the 25th of May, or seven weeks longer.

MR. ALDERMAN SALOMONS said, that the consequences of the earlier collection of taxes upon the money market had, he thought, been much exaggerated, and it would be extremely undesirable that it should go forth to the world that so trifling a change as was then contemplated was ever likely to produce a monetary panic. No doubt it was right that the payments and receipts of the Government should be so arranged as to avoid, if possible, anything like disturbance in the circulation of capital by the inexpedient transfer to London of deposits employed by the country banks in accommodating their local customers; and the suggestion of the hon. Gentleman the Governor of the Bank of England (Mr. Crawford) that arrangements should be entered into with this view between the Bank and the Government was a very fair one. It was impolitic to exaggerate the effect on the money market of the plan proposed, which was a mere matter of account; and, as to the Budget generally, he believed that it had been received with general assent throughout the country, and that the more people thought of it the more they would like it. He had heard that part of it which proposed to take off the taxes on public conveyances spoken of with much satisfaction, as also the doing away with the licenses for selling tea.

MR. CHARLEY said, he was gratified at the reduction of the duty on public vehicles, but he hoped that the Chancellor of the Exchequer would re-consider his proposition to do away with the distinction between the duty on six, and seven-day cabs. It was not fair that the cabmaster whose cab plied for hire on six days in the week should pay as much duty as the man who sent his cab into the streets every day.

MR. J. B. SMITH said, he thought the Chancellor of the Exchequer had brought forward an admirable Budget; but he hoped the right hon. Gentleman would pay attention to what had been said as to the danger of a disturbance in the money market in consequence of the unusual payments which would at a particular period be made into the Bank of England. He considered that the 1st of February would be a better time for the collection of the taxes than the time fixed by the Chancellor of the Exchequer. January was a time in which people were generally straitened for money, and he would suggest that to lessen the pressure on the tax-payer payment of the £8,000,000 should be so divided that one-half should come in on February 1, and the other half on

August 1. The assessed taxes and house duty might be paid at the one period, and the property and income tax at the other.

Mr. READ said, that two of his alternative suggestions had been adopted in the Budget—the repeal of the fire insurance duty and the abolition of that last rag of Protection—the 1*s*. duty on corn. He feared, however, that the benefit to the poorer classes had been greatly exaggerated. Not half of the £900,000 revenue for corn was paid for wheat and flour, and statistics showed that since Free Trade the average price of wheat had not been reduced more than 11, or at all events not more than 12 per cent, and bread not to half that amount, but the value of wheat in foreign countries had advanced fully 20 per cent. When he, as an agriculturist, considered the Budget, he must say that whilst they caught it in several ways they got no benefit from it whatever. As to the assessed taxes, farmers generally employed a boy in the village as groom; they now paid 10*s*. 6*d*. tax on this account, and would in future pay 15*s*. Their horses had been hitherto taxed at a less rate than others, but now the farmer, the parson, and the doctor were to pay the same as other people; and, as to four-wheeled carriages drawn by one horse, he could not understand why there should be an extra 2*s*. added to the £2 tax now paid, while a carriage with its pair was reduced from £3 10*s*. to two guineas. Whilst the farmers had themselves received no remission of taxation they were glad that other interests would receive the benefits which were contemplated by the right hon. Gentleman. The farmers would have to pay two years' taxes in twelve months, and in January, 1870, soon after they had settled their rent and paid their tradesmen's bills, they would be called on to pay their landlord's property and land tax, and the money would remain out of their pockets for six months or more. Great credit was taken for the fact that 600,000 dogs had been brought under the operation of the new Excise license; but it should be borne in mind that half the dogs in the country were exempt from taxation under the old system. This being so, they must not expect that there would be a very great increase from the transfer of these other taxes from the parish officer to the Excise for collection. It was of very great interest to merchants in his county to know when the remission of the duty upon corn would take place, and he would suggest—as no drawback would be allowed—that the abolition should take place at the termination of the present financial quarter.

Mr. NORWOOD said, he agreed that there might be great inconvenience to commerce in consequence of the usual amount of revenue not going into the coffers of the Bank of England in October, and he hoped that the Chancellor of the Exchequer would give his attention to the matter. It should be borne in mind that the autumn was a time when there was very often tightness in the money market, owing to the increased volume of business transactions, and to the fact that at the end of the year many persons were anxious to make their balances at their bankers as large as they possibly could. At the present time our money market was in a somewhat delicate position, owing to the Bank of England reserve, and the Government balances being much lower than they ought to be. Allusion had been made to the assistance that the Bank might render to the right hon. Gentleman; but he himself had not that entire faith in the management of the Bank that some other people had, and believed that it would have enough to do to protect its own position without assisting the Government. Many in the City regarded the point to which he had referred with very great anxiety, and he entreated the Chancellor of the Exchequer to take it seriously into consideration. As to the abolition of the duty on wheat, he found that there was a very general impression that the poor man would get nothing from that reduction, but that the advantage would be shared between the importers, the miller, and others engaged in the trade; and he must say that he concurred in this impression. He could not concur in the remark that the farmers would derive no benefit from the Budget, for he thought that they would get considerable benefit from the taking off the 1*s*. duty on maize. The duty on this article was something like 3 per cent, and therefore it was an important remission. It was of great pecuniary interest to many persons to know when the abolition of the duty would take place, and he believed that the practice had hitherto been that as soon as a Resolution authorizing the introduction of a Bill for the reduction of a duty was reported to the House, the reduction took effect from that moment. There was this peculiarity about the present Budget that probably three or four weeks would elapse before it was formally sanctioned; and this period would be one of real hardship to those who had large stocks of grain on hand. He would suggest, that if the House confirmed the details of the Budget, those who paid the 1*s*. duty should be repaid as rebate the whole amount collected from them from the present date.

MR. BAZLEY said, he thought that much of the inconvenience which, it had been alleged, attached to the admirable Budget of the Chancellor of the Exchequer would be obviated by the adoption, in respect of some of the assessed taxes, of a system of half-yearly licenses, so that there would be two collections in the course of the year. This would enable the trader to select the article that would suit his purposes during the first half and the second half of the year. As to the income tax, it might be paid by two instalments in April and October.

MR. ALDERMAN LUSK said, the Budget was universally accepted out-of-doors as an excellent one, and the right hon. Gentleman was much complimented on his ability in framing it; and he was therefore astonished that, in that House, one Member after another rose and found something wrong in the Budget, starting grievances which had never before been heard of. With respect to the alleged inconvenience to the money market that might arise from the payment of a large amount of taxes at one time, why, what was the whole amount of the taxes that would be paid at the time indicated—£2,000,000 or £3,000,000—compared to the money transactions in the ordinary course of business? In the Clearing House in one week the transactions amounted to something like £60,000,000, £70,000,000, and £80,000,000. Then, as to the proposed extension of the time for the remission of the corn duty of 1*s*. per quarter, it really was scarcely worthy of consideration. The public would not pay much attention to the matter one way or another, while they would derive great advantage from the corresponding remission of the duty on arrowroot, sago, and other articles of that kind. He therefore hoped the Chancellor of the Exchequer would persevere with his scheme, the objections to which were, in his opinion, mere creatures of the imagination.

MR. MAGUIRE said, he must congratulate the right hon. Gentleman on the success of his Budget. At the opening of his speech he regarded it with despondency, but out of darkness there came light, and he must now call the right hon. Gentleman the Professor Anderson of finance. He trusted, however, the Chancellor of the Exchequer would not harshly interfere with those who were engaged in the corn trade. He held in his hand a telegram from one of his own constituents, who was a very large importer, and who represented that unless there was a rebate of duty he would be a very considerable loser. He thought the case worthy of consideration, and the Chancellor of the Exchequer could afford to deal liberally and fairly.

MR. BONHAM-CARTER said, he wished to direct attention to the sixth Resolution. There were several small charges made which had never been made before, and it was desirable that these should be pointed out at once, that they might know exactly what the Chancellor of the Exchequer meant by them. With regard to servants, he presumed it was not intended to bring under charge those who were only occasionally employed; and as to carriages, waggons and carts had never been charged, only carriages with springs being chargeable. Then, again, "every horse" was charged; were they to conclude that there were to be no exceptions whatever? What number and what classes of horses were to be brought into charge? Many horses worn out for riding or draught were kept for breeding. It would be convenient to know whether all horses were to be charged or not.

MR. PIM, whose observations were inaudible, was understood to refer to the case of the cab-owners of Dublin.

MR. GOURLEY said, he thought that there ought to be some difference made in the tax charged upon precarious incomes and that upon incomes derived from realized property. The plan of the Chancellor for assessing income when first propounded had quite a magical appearance; but, on going into the matter, he found they would have to pay fifteen months' income tax, instead of twelve months', and not only so, but they would have to pay twelve months of it in advance. This would take away a large amount of money from tax-payers, and seriously disturb the ordinary money resources of trade. It would be much better to collect the taxes in the usual way.

THE CHANCELLOR OF THE EXCHEQUER: I will now, Sir, reply to the questions which have been asked of me, begging hon. Members to excuse me if I should happen to omit any. And first, with regard to Scotland, the hon. Member for Edinburgh (Mr. M'Laren) wishes to know what is to be done for Scotland in regard to insurances. I cannot definitely answer the question to-night; but the case will be taken into consideration, and I will see that no injustice is done to Scotland. I can give him that assurance. Then the hon. Member for the Ayr Burghs (Mr. Craufurd) asks whether Scotland is included in the Paper delivered to-day. Yes, it is included. Scotland is already in that position which some hon. Gentleman seem to regard with so much terror. In Scotland, the land tax, the house tax, the assessed taxes, the income and property tax are all levied in the month of January; and the object is, as far as possible, to bring this country to the state in which Scotland is at present. I turn to the hon. Member for Huntingdon (Mr. Baring), who brought a charge against me which certainly I did not expect. He says the tendency of every Chancellor of the Exchequer is to rest everything on direct taxes, and especially on the income tax; but, considering that I repeal assessed taxes and the duties on locomotion, which are direct taxes, and take off 1*d*. of the income tax, when everybody anticipated that 1*d*. would be put on, I cannot see why he should bring such an accusation against me. Then he lays down a rule, which he says has been grossly violated, that is that it is the duty of the Government to impose taxes at the time most convenient to the people, and that we ought to take the money when we want it, and not sooner. Now, if we were to act on that rule, we should have a public officer who would have to make out a list of the wants of the Government every day, and send messengers to people as to the time when it would be most convenient for them to pay the taxes, taking the rich first, because they would be best able to pay, and the poor afterwards. No doubt it would be very pleasant for some people that their taxes should be collected every day, or twice a day; but he was afraid that if such a course were pursued they would be ruined by the cost of collection. Hon. Members must take this remark as an answer to many questions that had been raised. The object is to have a system of licenses and to have it simple. We must make up our minds to be content to charge some a little more and some less for the general great benefit of collecting the taxes in this manner. The same answer I must give to the proposal to take different times of the year to collect the taxes. You must have a different collection, and that would lead to an immense extra expense. The principle I propose is to draw the whole of the taxes within this financial year; and if the House cannot make up its mind to this sacrifice it cannot have the remissions of the Budget. But then it is said that it is a financial evil and mischief to have the whole of the taxes paid in to the fourth quarter of the financial year. It is an evil and a mischief, and I particularly called attention to the matter. In fact, the House will do me the justice to admit that there has hardly been any observation made to-night which I did not anticipate in bringing in the Budget. It is a mischief, and I wish we could have had the benefits at a less price; but we cannot, and the question is whether the House is willing to pay the price. But hon. Gentlemen tell me that by paying a large sum into the Exchequer in one quarter of the year, and less in another, we shall have panics, that we shall derange commerce and frighten the money market. I can only say, with all respect to the money market, that it must take care of itself. If you wish to obtain an object the plan is to fix your eyes steadily upon it, to adopt the necessary means to attain it, and to put aside minor consequences and considerations. If, on the contrary, you wish to fail, you will try to do two things at once—to carry your object and conciliate this interest and the other. My object is at once to carry my Budget and to introduce economy in the collection of the public revenue, so as to make the payment of the taxes contemporaneous with the time in which they are incurred, and this object can alone be effected by collecting them at the beginning of the financial year. And this being so, and being the matter with which the Government, as a Government, are principally concerned, I prefer this to studying the convenience of the money market, especially as the money market is composed of men of great ability, whose wits are sharpened to a preternatural keenness by giving their attention to one subject, and who are perfectly able to foresee events and to guard against them, particularly events which come in regular course. When a great and unexpected calamity overtakes the money market, no doubt, it causes great havoc and devastation, but it would be inexcusable if the money market were taken by surprise by the collection of the funds of the Government in January when they knew that this is a part of a regular and organized system of finance. If gentlemen cannot foresee what is coming after such full notice it will be clear that they mistook their vocation when they went into the money market. The hon. Member for Huntingdon scarcely does himself and his friends justice, but, taking these charges at the very worst, I would ask, is it worth while to incur additional expense, or forego the collection of debts that are justly due to the State, to save gentlemen in the City the trouble of calculating whether money will be dearer or cheaper at a particular part of the year? I have been asked to consider whether the inconvenience cannot be in some measure alleviated, and I have considered the subject. I am sanguine that we shall find means of alleviating any inconvenience and suffering in many different ways. I can hardly go into the matter in detail when the event is so long off; but, with regard to the inconvenience that will arise from the new mode of levying the taxes, I am sanguine enough to think that when the system is once sanctioned by the House means will be found of working it. If we find ourselves without money in October we can borrow it, and if we are likely to have a large quantity of money in hand in January, February, and March we can then re-pay it. [Mr. HUNT: But can you lend it?] I am not aware that it is the business of the Government, which is the largest debtor in the country, to lend money. But if we had money to lend I should much prefer not to take it from the people. There are, however, two or three circumstances which would diminish this difficulty and prevent any great disparity. One is that we should borrow from the Bank. Another is that we should borrow from ourselves as bankers for the very large sums that are in our control. We could so arrange matters with the Commissioners of the National Debt, who have the management of the savings banks, that, instead of investing the money in their hands in October, they should lend it to the Government till January, and that we should then pay them back. Or, in case of utter desperation, we could borrow from the public itself by means of Exchequer Bills at short dates. There is a difficulty and an obstacle in the way, no doubt, but if anyone thinks he could draw £3,350,000 out of the pockets of mankind without some difficulty and inconvenience he is very much mistaken. I am afraid of misrepresenting what the right hon. Gentleman (Mr. Hunt) said, because, as I understand it, it does not appear to me to stand the test of logic or reason. He seemed to think that he had a sort of claim upon that part of the revenue which he imposed himself, and that I had no right to take credit for the £2,000,000 of income tax because he imposed it, and not I. But when I made that estimate it was necessary to begin with something. In point of fact, there was really no income tax at all, because it had died out; but I imagined that the House, which had given the right hon. Gentleman an income tax, would renew it, and I took that as the basis of my calculations. The right hon. Gentleman had proposed an income tax of 6*d.* to pay for the Abyssinian War, and as I found a very large sum owing for that war, I assumed that the House would continue it, and without reference to what I was going to do, I took that for the basis of the calculation I laid before the House. I had to lay before the House, in the first instance, the revenue as it was bequeathed to me by the right hon. Gentleman, and then the expenditure and the deficit as it stood. When I had done that I had to consider what Ways and Means I could find. I did find certain Ways and Means which on the basis of 6*d.* in the pound on the income tax would yield £3,350,000. I added that to the surplus, and out of that I found that I could pay off the Abyssinian debt and reduce certain taxes, among which was 1*d.* of the income tax itself. I should like to say a few words on the subject of the Paper which I laid upon the table this morning. I have said that it is impossible to raise £3,350,000 without inflicting suffering on some one; but I do think it is surprising to see how little suffering we do, after all, inflict. Firstly, with regard to the income tax, it has been shown that there is a clear gain to the public of the interest on one quarter on the transaction, although £1,500,000 is brought into the financial year without any extra burden. On the income tax it has been shown that the tax-payer will gain the forbearance of two quarters at the cost of one quarter in respect of which his payment was to be called for sooner than at present, while in the mere matter of payment the tax-payer lost nothing by the advance he was asked to make, and the Exchequer gained £1,500,000. It might be said that this sum will only be obtained by invading the resources of future years. But what is the fact? It is true that 1870 takes the £1,500,000, out of 1871; but then 1871 will in like manner take it out of 1872, and so each year will take the money from its successor, and this process may go on to the end of time, although how it will be settled when the world comes to an end I am at a loss to know. It comes into the account just as if the Emperor of China had sent it to us. The same process is repeated in the case of the land and the house tax. The great point to be considered is that the money is obtained without increasing any man's burdens. You give the tax-payer the forbearance of three months, and you ask him to anticipate another three months, the difference to the public being that you get £950,000 drawn from the resources of next year into this financial year. But next year will draw in like manner upon its successor. That is a startling and large result. As regards the assessed taxes there will be, not an injustice, but a pressure upon particular members of the community, the extent of which I will shortly explain. In 1869 there will be two collections of assessed taxes, one in April and the other in October; and the way to see the mischief, whatever it is, that is done to the payers of assessed taxes is to compare what would have been paid under the old plan, if it had continued, with what they will have to pay in the present year under the new system, and then strike a balance. This year the amount would be exactly the same under the old plan and under the new. Next year, under the old plan, £600,000 would have been payable in April and £600,000 in October, making £1,200,000 in all. Under the new plan they will pay £600,000 in April; but instead of paying anything in October they will pay the beginning of the following year in the month of January, a sum which, when all collected, will amount to £1,000,000, being the Excise duties substituted for the assessed taxes. Therefore in the next year these persons will pay to the public, over and above what they would pay under the existing system, the sum of £400,000. In speaking of the different months, I should warn the House that I speak of the time when the taxes become due—for the collection will extend over two or three months from that time—and accordingly there will not be the plethora that is expected. In the year 1871, then, there will be no more assessed taxes at all; but there will be this £1,000,000 license duty to pay, whilst the assessed taxes, if continued to be collected, would have amounted to £1,200,000. In that year accordingly the payers of the duty will get back £200,000 of the £400,000 which they are called on to pay in the present year; and in the year 1872 they will get back a further £200,000; so that by the end of 1872 they will have got back the whole of this £400,000, and the account will be closed. It comes to this—that the whole mischief which we do is to take from the payer of assessed taxes—the wealthier part of the community, and well able to bear the impost—an amount of £400,000, which we pay back to them in a year or a year-and-a-half, meanwhile relieving the public to the extent of taking off 1*d.* from the income tax, the whole of the fire insurance duty, and reducing the taxes upon locomotion. I think it is worth while to put up with a little inconvenience for such a result as that. I hope the Committee have been able to follow these figures, which I have submitted to persons much better able than myself to judge of their accuracy, and which will be found, I believe, to convey a perfectly fair statement of the case. Nothing is lost, as I have shown, upon the income tax, but something is gained; nothing whatever is lost upon the land tax or inhabited house duty; £400,000 is taken from the payers of assessed taxes, which will be re-paid within a very short time. Then there will be a permanent reduction of £200,000 a year. I need not trouble the Committee with any more arguments upon this head, but will proceed to state the arrangements which we propose to make. Since this debate commenced we have had the opportunity of considering the various suggestions of hon. Members which were brought prominently under our consideration. I am really most anxious to do everything in my power that may convenience the trade of this country; and with regard to the corn duties, I therefore propose to adopt a suggestion which will, I think, remove any reasonable objection. The Committee are aware that the Resolutions put before them are merely submitted *pro formâ*, and could not be made the basis of any action by the Government; they do not bind any person outside these walls. But the House will meet after the Whitsuntide vacation on the 31st of May. We hope by that time that the House will have been able to dispose of the corn duty, and we propose, supposing the change to have taken place, that the duty on corn shall stand abolished, as far as revenue goes, on the 1st of June. I am very sorry we cannot put it earlier than that; but I cannot see how, with the business there is, we can name any earlier date, for I could not constitutionally or properly act upon Resolutions submitted *pro formâ* and taken by consent. With regard to the Resolutions proposed to-night, we have also had the opportunity of considering the suggestions of the right hon. Gentleman opposite; and I proceed to state the result of our deliberations. We understand that there will be no objection upon the other side to our taking all the Resolutions to-night, with the exception of the sixth, to which the right hon. Gentleman objects; and then to our bringing in the Bill as soon as possible, printing in italics the parts relating to taxation, so that these will appear in the Bill, but will not form any part of it. We can then proceed to a second reading of the Bill, but must obtain, if we can, before going into Committee, a Resolution of the House to sanction these alterations of taxation. Of course if we do not obtain this Resolution, the whole thing falls to the ground; if we do obtain it, we shall still be in time. I will not answer any criticisms upon the Resolutions, because these have always to be drawn in a dialect peculiar to themselves. The thing the House should look to is the Bill; for the Resolutions are always larger than the Bill, and hence may be too wide in many respects. It is the wording of the Bill by which the taxpayers will be bound—and they will have in this instance, I am sorry to say, from circumstances which are unavoidable, an unusually long period during which they will be able to scan the clauses and pass any criticisms upon them which they think proper.

Sir STAFFORD NORTHCOTE: I rise chiefly for the purpose of expressing my satisfaction with the course proposed by the right hon. Gentleman, as I understand from his statement that the House will now have a full opportunity to consider the scheme of the right hon. Gentleman with regard to the assessed taxes before coming to any vote upon the subject. The only object my right hon. Friend the Member for North Northamptonshire (Mr. Hunt) had in view was that some such promise should be elicited from the right hon. Gentleman opposite. My right hon. Friend was anxious that I should explain that it was not his wish, nor the wish of any of us on this side of the House, to impede the Government business. All we desired was that sufficient time should be given for the consideration of a measure which will be of considerable interest and importance to a large number of persons. It really does seem desirable that the country should have time to think the matter over, and that an opportunity should be given to the Members of this House to discuss the question before they are asked to give an irrevocable decision upon it. The hon. Member for Finsbury (Mr. Alderman Lusk) gave us just now a lecture upon our proceedings to-night, which I do not think the House of Commons altogether deserves. The hon. Member appears to think that because in Finsbury, or wherever else he has been during the last two or three days, he hears nothing but a unanimous chorus of approval of the Government measure, the House of Commons is wasting time in venturing to discuss it; and he expresses himself as being perfectly astonished that anything should be said or any question raised upon any of the details of the proposal. If, however, we are sent here for any purpose whatever, it is that we may examine into matters of this kind. The questions which have been raised to-night, although not perhaps fatal to the Government proposal, deserve attention and discussion, and the House of Commons may devote some consideration to them, without being guilty of wasting time, or laying itself open to the rebuke it has just received at the hands of the hon. Member for Finsbury. My right hon. Friend pointed out to the Committee that the changes proposed to be effected would introduce a new principle into the mode of collecting the Revenue, and he observed that the result of those changes might prove inconvenient to the taxpayer, to the Exchequer, and to the trade and commerce of the country. Whether the allegations or the suggestions of my right hon. Friend are well or ill-founded, they are, at all events, of great importance. They deserve consideration and discussion on the part of those who are qualified to give an opinion upon the subject; and they also demand an answer on the part of the Government, who must, of course, have taken all these points into consideration, before making provisions of such grave interest to the country. Speaking generally, the right hon. Gentleman proposes that, instead of paying the great bulk of our taxation either quarterly or half-yearly, we shall pay it once in the year. It has been objected that such an arrangement will be inconvenient to taxpayers; and what is the answer to that objection which has been given by the right hon. Gentleman? The right. hon. Gentleman does not deny, that to a certain extent, the arrangement may prove inconvenient to the tax-payers; but then he says—"You cannot have the advantages of the Budget without enduring some of these inconveniences." That might be a sufficiently good answer were it not that the Budget is for a single year, while the inconveniences resulting from the proposed changes will be permanent. The right hon. Gentleman met the reply by saying that the proposed changes would be good in themselves. It may turn out that such is the case, but still there is ample reason why the nature and probable effect of the proposed changes should be fully discussed. My right hon. Friend went on further to argue that the changes, if effected, would result in inconvenience to the Exchequer, because all the money would be received in a lump at one period of the year, instead of being received by instalments. The result would be that the Exchequer would at one period of the year be empty, and at another it would be full. When the Exchequer is empty, the Chancellor of the Exchequer will have to borrow money in order to provide for the requirements of the public service, and that inconvenience will not be able to be met by lending the public money when the Exchequer is full. The point is this —if a man get his revenue monthly or quarterly, or at any other short intervals, he will always have money to meet his expenditure; but if he only receives it at very long intervals he will have to go to his banker and borrow money, for which he will have to pay interest. If he overdraw his account, he will have to pay interest for the amount overdrawn; but that would be of comparatively little importance if when he has funds his banker would allow him interest. Those, however, are not the terms on which the Government keeps its account with the Bank. The Bank allows the Government no interest for the funds which it deposits; but when the Government overdraws it has to pay interest on the sum overdrawn. It is perfectly obvious, then, that when the Government makes a change of this kind, which will leave the Exchequer bare at certain periods of the year, and will thereby increase the time during which it will have to pay interest at its bankers, if the Government is to get no benefit for the very large amount it may deposit at one particular period, the operation must so far have its disadvantages. There was another point adverted to by my right hon. Friend, but to which the Chancellor of the Exchequer gave no answer. An answer was given by the Governor of the Bank which I think showed him to be better entitled to the title of "the Professor Anderson of finance" than is the Chancellor of the Exchequer, though the title has been given to the right hon. Gentleman by one of the supporters of the Government (Mr. Maguire). I do not think there is in the

Budget anything of that art of which Professor Anderson is a master. It appears to me that the operation proposed to be performed by the Chancellor of the Exchequer is simply to call in this year money which otherwise he would not receive till next year, and to use the funds thus obtained for the purpose of remission of taxation. The Governor of the Bank stated that there will be no difficulty in the matter, but he did not explain the arrangement by which the Bank and the Government intend to get over the difficulty. I should like to have this explained to us. Perhaps there are means of getting over the difficulty. No doubt the Government considered the point, and the Governor of the Bank may be able to show us what those means are; but as yet we have not had them explained to us, except so far as the statement of the Chancellor of the Exchequer that the Government can borrow from the Bank. This brings me to the third point. The time at which the Government will want to borrow of the Bank will be the very time at which the Bank will be short, in consequence of its not having received the taxes hitherto paid in October. It has been suggested that this may cause a disarrangement of the money market; but the Chancellor of the Exchequer meets the objection by saying—"The money market must take care of itself." That, to me, is a novel doctrine. It may be sound, but it is new, and I hope those connected with the money market and the commerce of the country will take it seriously to heart and consider it before they make up their minds as to this new arrangement. I think it is not the business of the Government to make all its arrangements with a view to the support of the money market; but when the Government is making serious changes in the system of collecting the Revenue it is rather unreasonable of the Chancellor of the Exchequer to tell us that we are not to consider what effect those changes may have on the money market. We know that the money market in this country is a very artificial affair; we know that the whole system of banking and credit in this country is affected by its fluctuations; and we ought to consider what the effect of the proposed changes might be, not in causing a panic so much as in aggravating such a disaster. I should like therefore to have a better assurance than any we have hitherto received that draining the Bank of those large Government deposits on which it is accustomed to rely in autumn will not have a prejudicial effect on an establishment so largely engaged in supporting the credit of the country. I think disappointment was felt that this subject, one of so much importance, was not made a subject of discussion between the Government and the authorities of the Bank, and that disappointment was not removed when the Governor of the Bank got up, and, while not disguising that he looked on the difficulty as one of some gravity, said he had no doubt means would be found to meet it. Matters were not made much better for the Government when another financial authority, the hon. Member for Greenwich (Mr. Alderman Salomons), called upon us not to exaggerate the difficulty, and when the hon. Member for Hull (Mr. Norwood) and other hon. Gentlemen used language which conveyed to us that, in their opinion, also, there is ground for uneasiness. I hope that between the present time and that at which we may further discuss the question, we shall have some information on the points to which I have adverted.

Mr. CRAWFORD said, by way of explanation, he wished to disclaim any intention of speaking authoritatively for the Bank. He could not, on the spur of the moment, undertake to say what the Bank would concur in doing, or what it would recommend to be done. The directors of the Bank awaited events, and, when the time came, they were the humble servants of the Government. All he could say for the authorities of the Bank was that when the time arrived they would give the Government the best advice in their power.

Sir FRANCIS CROSSLEY said, the right hon. Baronet (Sir Stafford Northcote) who had just resumed his seat, seemed to have great fears that the evils arising from the irregularities of the funds in hand held by the Government would be such as to be almost intolerable, and the difficulty he saw was this, that at one time of the year the Government would have to borrow, and at another time to lend. He could easily see how the borrowing could be managed by short dated Exchequer Bills, but the lending, how were they to get over that, because the Bank of England would not allow any interest? He (Sir Francis Crossley) said that was just the opposite difficulty to that in which commercial men found themselves placed; but, at any rate, nothing would be easier than for the Chancellor of the Exchequer to surmount this difficulty, by so arranging his finances that he would at all times rather have to borrow than to lend. But what he (Sir Francis Crossley) understood to be the great object of the Government was to make a great reform in cutting down the expense of collecting the Revenue, and he had been very often struck with the enormous per centage the Revenue cost the country collecting, especially the income tax. And the main point for the Government to turn its attention to was to cut down the expenditure. If the First Lord of the Admiralty and the Secretary for War had not done this since they came into Office, the Committee would not have now been engaged in discussing such a Budget as they now had before them, and what was the result? Why, in the first place, the Budget had dealt with a duty that for years had been occupying the attention of the Chambers of Commerce throughout the country, and the question with them was, whether to ask for its entire repeal or its reduction; but they were so fearful that it could not be afforded that they hardly ventured to ask for its total repeal, and yet it was not only one of the worst of taxes, because it was a tax on prudence and foresight, but it was also most unjust, because it was not equally levied. All agricultural produce and farm buildings were free from this tax, whilst all manufacturing produce and buildings had to pay this enormous duty. He himself happened to farm about 1,200 acres of his own land in Suffolk, and he found both his wool and corn could be stored away there duty free; but immediately that same wool and corn was removed to Yorkshire it had to pay this heavy insurance duty, against the risks of fire. Therefore, by the abolition of this tax, the Government had not only relieved the country from a very impolitic tax, but they had also abolished a most unjust inequality. The hon. Member then called attention to the immense advantage this abolition of the taxes on locomotion would be, and stated that one of the most painful duties he had ever had to perform as a magistrate was to place a heavy fine—which, if not paid, was imprisonment—on a man who had allowed a few country people to ride in his cart, when going to or from the market, because he had ventured to make a charge for the same; the fine was not only exceedingly oppressive, but the magistrate had no power to reduce it. All that is now to be abolished, and perfect free trade is to be substituted for it. Any man who could hardly afford to keep a little conveyance, may now be able to do so, because he can make something by using it to convey passengers from railway stations, or could make other excursions when there was a demand for them, and thus it would be a positive advantage not to himself only, but to those who hired the same from him. Then, again, look at the immense advantage it was to the poor cabmen in London and their proprietors, who have been taxed 1*s.* per day for every cab, whilst London was the most expensive place in the country to live in, and, on the other hand, he was tied down to charge only 6*d.* per mile, which was less than in any other town; and now there was to be no tax, except what every man would have to pay—namely, 15*s.* a year for a two-wheel or hansom, and 42*s.* for a four-wheel. Then, again, let them look at the repeal of the duty on corn. The hon. Member for Huntingdon (Mr. Baring) said that its repeal was going to be heavily felt by the revenue, but that the advantage to the consumer would be so small as scarcely to be felt at all. If the hon. Gentleman was to judge of the consumer by himself he was perfectly right, he would scarcely feel it at all; but the hon. Gentleman must allow him (Sir Francis Crossley) to remind him that there were many poor men in this country who had to eat much more bread and far less of what no doubt the hon. Member much preferred, but which was out of the reach of the poor, and this tax on the first necessary of life, he (Sir Francis Crossley) was glad to find was to be abolished for ever. He did not mean to say that its effect would be to lower the price by 1*s.* per quarter of all the corn grown in this country and all that was imported as well, but he did mean to say it would cheapen it, and would put it at the actual value without any artificial addition whatever. That was a boon which would be welcomed by every poor man in the country. One hon. Gentleman who had spoken said this was a rich man's and not a poor man's Budget, but he thought he had said enough to show that the Budget was not only a poor man's Budget, but was in reality founded on justice to all.

Mr. Alderman W. LAWRENCE said, he looked upon the dangers which had been conjured up by the right hon. Baronet the Member for North Devon (Sir Stafford Northcote) as likely to arise from the periodical pressure which he imagined would occur in the money market, from the financial proposals of the Government being adopted, as perfectly groundless. Great advantages would, in his (Mr. Alderman W. Lawrence's) opinion, be conferred upon the public by those proposals, although they would, no doubt, have to pay for those advantages to a certain extent. He wished to ask the Chancellor of the Exchequer—he might add, not only for his own information, but also for that of the Scotch Members—why the Scotch farmer, who was generally regarded as being a man possessed of greater capital than the English farmer, was allowed a remission of 25 per cent on his income tax as compared with the latter? Every one was prepared to make some financial distinctions between Ireland and the other parts of the United Kingdom, but he knew of no reason whatever for such exemptions in favour of Scotland.

Mr. STANSFELD said, the difference—so far as the Resolutions before the House were concerned—between the charge on the English, and that on the Scotch and Irish farmers, was taken from the Bills of 1853, and he believed it arose in the case of the Scotch from a difference in the mode of valuation, certainly of the rent, and he believed also of the rates and taxes. In reply to the remarks of the right hon. Baronet the Member for North Devon (Sir Stafford Northcote) as to the plethora of money which was likely to fill the Exchequer at certain times, while, in the right hon. Baronet's opinion, there would be an undue absence of it at others, he would simply observe that the reply of the Chancellor of the Exchequer had not been properly appreciated. But those subjects would be most conveniently discussed on a future occasion, when they would all have had an opportunity of thinking over them, and of consulting one with another, and when they would be prepared with practical suggestions. With regard to the question of the hon. Member for Winchester (Mr. Bonham-Carter), who desired to know whether the exemptions on horses engaged in agriculture and the other exemptions which had hitherto obtained would still be preserved, it was not usual to place these exemptions in the Resolutions placed before the Committee, but they would be found in the Bill, which would be discussed in Committee, and in the House.

Mr. T. CHAMBERS said, he wished to call the attention of the Chancellor of the Exchequer to the case of a constituent of his, a job-master of Piccadilly, who was in the habit of paying £70 a year post horse duty, for which amount he was entitled to keep thirty horses and an unlimited number of carriages, but who found, having carefully considered the statement of the right hon. Gentleman, that he would in future, so far as he could judge, be called upon to pay £15 15*s*. for his thirty horses, for forty carriages at £2 2*s*. a-piece, £84; and for twenty servants to drive them, £15; making, in all, £114 15*s*., or nearly double the sum which he now paid. He was very anxious to know whether that was really the intention of the Chancellor of the Exchequer?

Mr. M'LAREN said, that if the hon. Member for the City of London (Mr. Alderman Lawrence) would bring forward a Resolution for equalizing the income tax paid by farmers in Scotland and England, the Scotch Members would support it, provided only that it should extend to Ireland also. In Scotland, it should be remembered, a new survey was made every year, and the tax was laid on all other classes without a farthing abatement; whereas in Ireland he believed every one, and not farmers alone, was allowed an abatement of 20 per cent before the tax was imposed. If hon. Members wished to know why the distinction was made between England and Scotland as respects farmers, he thought he could gratify their curiosity. At one period, the Scotch landowners were very powerful in that House, and they were shrewd enough to perceive that it was for their interest to make taxation press on the Scotch farmers as lightly as possible in order to benefit themselves.

The CHANCELLOR of the EXCHEQUER said, there would be no exemption in the case referred to by the hon. and learned Member for Marylebone

(Mr. T. Chambers). A man would have to pay for every horse and every carriage he possessed; and he could see no injustice in compelling a rich man, who possessed thirty horses, to pay for the whole number.

Motion, by leave, *withdrawn.*

Resolution *withdrawn.*

(1.) *Resolved,* That, on and after the 1st day of June next, the Duties of Customs chargeable upon the articles under-mentioned, imported into Great Britain and Ireland, shall cease and determine, viz.:—

[Then the articles are set forth as above.]

(2.) *Resolved,* That, in lieu of the Duties of Customs now chargeable on Beer and Ale, as denominated in the Tariff, on Importation into Great Britain or Ireland, the following Duties shall be charged, viz.:

Beer and Ale, viz.:	£	*s.*	*d.*
Mum, the barrel of 36 gallons ..	1	1	0
Spruce, the barrel of 36 gallons ..	1	1	0
Of other sorts, viz.:			
Beer, the worts of which were before fermentation of a specific gravity not exceeding One Thousand and Sixty-five Degrees, the barrel of 36 gallons	0	8	0
Exceeding One Thousand and Sixty-five Degrees, and not exceeding One Thousand and Ninety Degrees, the barrel of 36 gallons	0	11	0
Exceeding One Thousand and Ninety Degrees, the barrel of 36 gallons	0	16	0

(3.) *Resolved,* That, towards raising the Supply granted to Her Majesty, there shall be charged, collected, and paid for one year, commencing on the 6th day of April 1869, for and in respect of all Property, Profits, and Gains mentioned or described as chargeable in the Act passed in the 16th and 17th years of Her Majesty's reign, chapter 34, for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, the following Rates and Duties (that is to say):

For every Twenty shillings of the annual value or amount of all such Property, Profits, and Gains (except those chargeable under Schedule (B) of the said Act), the Rate or Duty of Six pence.

And for and in respect of the occupation of Lands, Tenements, Hereditaments, and Heritages chargeable under Schedule (B) of the said Act, for every Twenty shillings of the annual value thereof,

In England, the Rate or Duty of Three pence, and

In Scotland and Ireland respectively, the Rate or Duty of Two pence farthing.

Subject to the provisions contained in Section 3 of the Act 26th Victoria, chapter 22, for the exemption of Persons whose whole Income from every source is under £100 a-year, and relief of those whose Income is under £200 a-year.

(4.) *Resolved,* That the Duties of Assessed Taxes now payable in Great Britain shall cease to be assessed in respect of Male Servants, Carriages, Horses, Mares or Geldings, Mules, Hair Powder, and Armorial Bearings employed, kept, used, or worn respectively after the 5th day of April 1869 in England, and after the 24th day of May 1869 in Scotland; and on Persons using or exercising the Trade and Business of a Horsedealer after such days respectively.

(5.) *Resolved,* That, on the 1st day of January 1870, the following Duties of Excise shall cease to be payable (that is to say):

Upon Licences to let Horses for Hire in Great Britain.

Upon Licences to let to Hire Horses for the purpose of travelling Post by the mile, or from Stage to Stage in Ireland.

Upon Licences to keep, use, and let to Hire Hackney Carriages within the limits of the Metropolitan Police District and the City of London, and also the Weekly Duties payable in respect of such Hackney Carriages.

Upon Licences to keep, use, and employ Stage Carriages in Great Britain, and also the Mileage Duty payable in respect of such Stage Carriages.

(6.) *Resolved,* That, on the 25th day of June 1869, the Stamp Duty, at the rate of One shilling and Six pence per centum per annum, now payable in respect of Insurances against Loss or Damage by Fire only, shall cease to be payable.

(7.) *Resolved,* That, from the 5th day of July 1869, the Duties of Excise now payable upon Licences to be taken out by Persons trading in or selling Coffee, Tea, Cocoa Nuts, Chocolate, or Pepper, shall cease to be payable.

House *resumed.*

Resolutions to be reported *To-morrow.*

Committee to sit again upon *Wednesday.*

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

ARMY—MILITARY LABOUR.

RESOLUTION.

Mr. HANBURY TRACY: In calling attention to this subject, I cannot help feeling that, although by no means new, it is a matter of such vast importance that I regret no one else better fitted to grapple with it than I can possibly be should have taken it up; but it seems to me that it is of so much interest to the country that thorough ventilation should be given to the views entertained by those who are of opinion that military works should be undertaken by military labour, that I think I may fairly lay claim to the kind indulgence of the House in trespassing for a short period, in endeavouring to call attention generally to the question. Now, Sir, what I am anxious to show the House is, that nearly all the experiments made, during the last ten years, have shown conclusively that a saving of 30 per cent can be effected by the employment of soldier labour on military works, and at the same time efficiency and discipline have by no means been impaired where the plan has been tried. I wish to show the House that the amount of money which might be saved annually with benefit to the country—providing an organized system were adopted throughout the Army on the Home Station—would be about £100,000. I also want to point out that, in order to effect this, what is termed the "Industrial Employment of Soldiers" must be utilized for the public benefit. It appears almost unnecessary to dwell upon the fact, so patent to every one, that the more you combine the structural with the combatant functions in an army, so much more efficient does that army become. But I regret to say that there are still officers existing who are not yet convinced, and in this country. Although of late years — especially since the great struggle on the American continent—public opinion has made rapid strides in arriving at the conclusion of what the *beau ideal* of an army ought to be, there is yet very much to be done before we can place ourselves on a par with Continental nations in their views as to what the perfect organization of an army should be. It is the opinion of every foreign officer of distinction—and, I am thankful to say, of a great number of our own—that an army to be thoroughly effective and fully equipped ought to possess, amongst its component parts, units able to exercise intelligence and resource to carry out the supply of all its wants without assistance. If we search history, we find that the Romans, centuries ago, used not only to train their soldiers to the use of arms, but also to the mode and manner of entrenching camps, of building bridges, and of works likely to be of use to an army. Not only was this done when under instruction, but whenever their camps were moved their troops were practised in entrenchment and general works. Of later date we find Napoleon stating, when at St. Helena, that "with soldiers properly trained, a good general could fight as much with the spade as with the musket." It was that great General's opinion—the highest authority on such matters—that the handier you made the soldier, so proportionately did his value increase. The famous army of Boulogne was a force trained in this respect; and it seems open to the commonest understanding that the more a man is made to use the muscles of his frame, to have active bodily exercise, to be made handy, and to depend on his own skill, the more useful will he be. Only the other day the Americans found, during the war in the United States, the greatest possible benefit was derived from having a large number of skilled artificers in the ranks, and many of our own officers, who went over during the war, are witnesses of how inferior our troops are, in comparison, in this respect. Lord Grey, in his evidence before the Recruiting Commission, described this so well, that I will, with the permission of the House, read an extract. His Lordship said—

> "I would on no account take away any part of the time that was necessary for making the soldier perfect in his military drill, and I would especially require a complete knowledge of the use of his weapons; but I am told that the Americans have found that the system of drill is capable of very great simplification, and that they have discovered that the efficiency of their army depends to a very great degree upon the skill of the men, not only in the use of weapons but in the use of tools. The efficiency of the American army was increased to a degree that it was difficult to describe by the skill of those volunteer soldiers many of whom were drawn from the western parts of America, and who had the ready habits of settlers in applying all the resources they could find to their own advantage. The efficiency of those men in that respect was one of the great sources of strength of the American army, and it was found in that contest that entrenchments could be erected in a wonderfully short space of time by skilled men. They had the power not only of making earthworks, but of rapidly constructing railways, and laying down electric telegraphs, and making all the arrangements for the communication with the army and carrying on all the work necessary for its advantage. Some of our own officers tell me that there was very much indeed for them to learn from what they saw actually done in the course of that contest in America."

It is quite true that the scheme of making soldiers independent of external assistance has made some progress of late years in many quarters. Trials have certainly taken place at a few barracks of doing all the repairs by soldiers, and also of employing Engineers and Line on the erection of fortifications; but what I want to point out to the House is this—that down to the present moment no organized attempt has been made to carry out a general system. There are about 500 barracks on the Home Station occupied and unoccupied, and out of these I believe I am correct in saying that only six have their repairs executed entirely by the troops. Notwithstanding trials are successfully carried out, no practical use whatever is made of the knowledge so acquired, and hardly any perceptible saving of the public expenditure has as yet been made. The War Office seem first to have recognized the necessity of carrying out the industrial employment of soldiers on a large scale in 1861; and in that year Sir George Lewis, Secretary of State for War, was so much impressed with the advantages which would accrue from the soldier being made less of a machine, that he appointed a departmental Committee to inquire into the whole subject. That Committee, in May, 1862, after having received a very voluminous correspondence, reported strongly in favour of the system being generally attempted, stating, however, that the first consideration should be that only well-drilled first-class soldiers were to be employed. The only two objections amongst the letters they received came from General Sir George Brown and the Dublin Board, whilst forty-five were in favour. Amongst the correspondence, I find that Sir John Burgoyne stated—

> "It is quite needless to advert to the advantage to the social position of the country, and to the soldiers themselves, if any portion of them can be converted from habits tending rather to a disinclination and disability to work, even as labourers, to an aptitude for becoming workmen of the class of artizans; while the progress of conversion will obtain for them increased health and comforts; in many cases may be of assistance to the public service, and might perhaps eventually, in some degree, repay the moderate cost of carrying the measure out."

And Lord De Ros said that—

> "No doubt that almost all barrack repairs could be done, and well and cheaply done, by soldiers. Painting is very soon learned, paving of stables and yards, clearing and repairing drains, and even ordinary carpenter's and bricklayer's work would, under competent direction, be quite within the compass of the soldier in barracks, and in camp the repair of huts and tents, and the forming of drains, above all, the making of roads, seem almost essential to rendering him able and efficient on service."

Both of these officers are of the highest standing in the army, and great authorities on this matter. The Committee, in their Report, recommended that a certain outlay should be made for the purchase of tools and erection of workshops, and this I believe to be one of the reasons why the attempt has not been carried out on a large scale; and the other reason has been that the War Office and commanding officers have looked upon the teaching soldiers different trades too much as a means of affording recreation and amusement for the troops, instead of carrying out an organized plan by which these industrial trades could be utilized for the country's benefit, and thus making the public service the first object. In Clause 39 of the Report the Committee state the manner the troops ought to be employed—

> "We consider the troops should be employed upon the repair of barrack damages, fair wear and tear repairs, making and repairing barrack furniture or stores, and indeed upon any work that the officer commanding the regiment or corps, or the commanding Royal Engineer, may consider they could be advantageously employed upon, and that the general officer commanding at the station may approve of."

I apprehend, Sir, that if we are to employ soldiers on military works, if their industry is to be made available, surely the duties enumerated by the Committee, of repairing barrack damages of all description, is the most essential to be carried out. The future principle of action on the part of the War Department ought to be, that it is as incumbent on the soldier to keep his dwelling in repair as it is to guard it. In all the discussions which have taken place in this House and in the House of Lords since that Committee, the inquiry appears to have turned far more on Industrial employment for purposes of recreation than as a means of reducing military expenditure. In the Return moved for by the hon. Member for Buckingham (Sir Harry Verney), in 1865, we find that in India it has been carried out on a large scale. In one instance, I believe, watches have actually been manufactured, and every description of trade seems to have been set on foot, but hardly any of this labour has been carried to the benefit of the State by reducing expenditure. Thanks to the courtesy of the right hon. Gentleman the Secretary of State for War, I have been permitted to see the whole of the correspondence which has taken place on this subject for the last ten years, and I have received the fullest information on this subject from the different officials at the War Office. I regret, however, to say that with the exception of a few reports from Barracks where the experiments have been carried on, the great bulk is composed of correspondence relating to the Industrial Amusement of the troops. Now, Sir, I am very far from deprecating this course as far as it goes, and I am well aware of the advantages which accrue to the soldier when his time is employed; but I do think that the day has arrived when we ought to look at the question broadly in the face, with the view of seeing how far we can carry this "Industrial labour and talent," which has been so easily evoked in these regiments where the experiments have been tried, to the benefit of the State by employing soldiers on military works. I am quite confident that the experience gained since 1862 is sufficient to enable us to deal in a large and statesmanlike manner with this most important matter without further inquiry or loss of time. There are a large number of officers who still think a soldier ought to be a mere machine; but I am sure that it only requires a little pressure from this House to enable the system to be fully developed. The repairs of Barracks are classed under two heads, first repairs arising from occupation which are termed "Barrack damages," and secondly "fair wear and tear repairs," which are called "Incidentals." "Barrack damages," as the House is aware, is charged against the troops inhabiting, and are a most vexatious burden, although the whole sum expended on the Home Station does not amount to more than £7,000. It seems to me, Sir, that the sooner this item is entirely done away with the better will it be for the army. Small though the amount actually is, it is on pay day a source of great irritation to the soldier, and is generally regarded as a robbery. Often and often these damages occur from the building being in so dilapidated a state that it is impossible to inhabit it without risk of large damages; and, in many cases, I fear regiments are charged with damages arising from neighbouring unoccupied buildings, because there are no others to pay for them. Until lately these Barrack damages were executed by what was termed the "Barrack damage contractor," employed by the Barrack master without any supervision on the part of the Royal Engineer Department, and were open to the chance of collusion; but I am thankful to say that, by the new Control regulation, it has now been placed together with Incidentals under the direct supervision of the Royal Engineers. In some cases regiments have attempted to do these small repairs, and in some cases have succeeded, especially in the regiments of Guards; but as a rule, and from want of a system, and because the incidentals have nearly always been obliged to be undertaken by civilians, the two sets of artificers have clashed, and the attempt has been a failure. In regard to the incidentals, which on the Home Station amounts to £135,000. At a few places experiments have been carried out in their integrity at Parkhurst, Woolwich, Aldershot, and the Curragh camp, and at these places, where the commanding officers happen to have been favourable to the plan, a saving, in round numbers, of nearly 30 per cent has been effected. At Parkhurst, I believe, the system has been more fully tested than at any other station. Fortunately the commanding officer—Colonel Jeffreys — an officer of great ability, was determined to give the plan a full trial, and threw his whole energy into carrying out and developing the idea, and gave it his most cordial co-operation. The result has been most satisfactory. We find, in the Return which has just been printed, that Lieutenant McHardy, of the Royal Engineers, under whose supervision the works were carried out, states that—

> "The result which has attended the employment of the labour of soldiers on barrack incidental repairs has been very satisfactory; the works have been properly performed, and with expedition. The percentage calculated from the last quarter of the year (this being the only quarter during which the estimated amount was accurately determined) would be 35 per cent of saving by employing the soldiers, instead of a contractor. The estimated expenditure for civil labour was £159 5*s.*; the actual expenditure (the soldiers doing the work) was £103 6*s.*, the saving being £56 nearly. Calculating by the data thus obtained, the saving on the total expenditure for the year—namely, £303—would be £106 yearly. The success of the scheme is in a great measure due to the hearty co-operation of the late commanding officer, Colonel Jeffreys. Disadvantage arose from time to time by the men employed having to join their respective regiments, so that the shops were often required to be rearranged

with fresh men. This inconvenience, incidental to a depôt battalion, would not of course be felt in a regiment. It is to be remarked that the co-operation of all concerned, especially of the commanding officer, is absolutely necessary for the successful employment of soldiers."

In regard to the efficiency of the regiment, perhaps the House will allow me to read a letter which I have received from Colonel Jeffreys himself. He says—

"Seafield House, Ryde, 3rd April, 1869.

"Dear Sir,—I have the greatest satisfaction in being able to inform you that the employment of soldiers at Parkhurst, for upwards of eighteen months, in executing "Barrack Damage Repairs," "Fair Wear Repairs" (termed incidentals), has resulted in a great success. These repairs, as well as various new works of considerable extent, have been performed to the satisfaction of the resident Royal Engineer, at a saving of fully 30 per cent. Discipline has not, in the slightest degree, been impaired; there, of course, have been cases of drunkenness and absence, but those cases have been exceptional. Some commanding officers may object, because the system is an innovation, that soldiers while employed would forget their drill; but I cordially concur in opinion with Colonel Baker, that their being usefully employed does not necessarily make them inefficient in the ranks; tailors and shoemakers are regularly employed without objection. The benefit to be derived from the system in a military point of view is undoubted; as a trained body of artizans would be always available, either in quarter or in the field, a soldier's energies would be developed, and he would become habituated to work instead of passing his time in listless idleness. Moreover, when discharged he would be able and willing to earn his livelihood, instead of (as is too frequently the case) becoming a burden on his parish. It is, however, most important to observe, that the system cannot be carried out in the army without the cordial co-operation of commanding officers, combined with general officers of districts, acting under instructions conveyed through the Adjutant General of the Forces from His Royal Highness the Field-Marshal Commanding-in-Chief. I remain, dear Sir, yours truly,

"Edmund Jeffreys, Col.,

"Late commanding 5th Depôt Battalion.

"To the Hon. C. Hanbury Tracy, M.P."

Now, Sir, up to this time these experiments have rested entirely on the willingness or unwillingness of commanding officers to undertake the additional trouble connected with the commencement of this system, and of training a certain number of their men as artificers. I undertake to say that if any other officer had been at Parkhurst who disliked the work, the result would have been very different, and we should have probably heard of a loss. I ask the House, Is it right that the success of this plan should be allowed to depend on the mere caprice of commanding officers? Unless the War Department lay down an imperative order that all regiments are to possess a body of skilled artificers, and that they are to repair their own barracks, and take a determined stand, however successful a few experiments may be here and there, it will end in failure. At Aldershot, we find that the saving has ranged from 10 up to 50 per cent—

"It is estimated that a saving of about 10 per cent on incidental repairs, rising up to 50 per cent on some new works, has attended the employment of soldier labour. A larger number of military superintendents are required for military labour than for work performed by civilians."

At the Curragh, the saving has been estimated at 39 per cent—

"The employment of soldiers at the Curragh has been attended with the most satisfactory results. The saving is estimated at 39 per cent; to work the system satisfactorily it is essential that the troops should remain for a considerable time at each station, and that they should be superintended by officers and non-commissioned officers of Royal Engineers."

In regard to this, I wish to say that I am informed this saving has been effected only during the past year. Previous to that time, the experiment appears not to have been successful, owing, I presume, to the superintendence not having been sufficiently effective. The saving of 39 per cent is due, I believe, entirely to the 28th Company of Royal Engineers, which is stationed at the Curragh. This is another proof of the great necessity of the superintendence being very efficient when soldier labour is employed. At Woolwich, where the system has just been commenced, it varis from 20 to 25 per cent—

"A saving, estimated at 20 per cent on incidentals and 25 per cent on new works, has attended the employment of soldier labour. A continuance of the system will develop its advantages in a higher degree."

In many of our colonies, where these experiments on fortifications have been made, soldier labour has been employed with the most important beneficial results. We find it has been successful at Bermuda, Gibraltar, Quebec, New Zealand, and the Cape, and that savings have been made. This shows that there exists a vast amount of latent power in the army which only requires organization to enable the labour of soldiers to be carried out on a large scale with benefit to the country. On the Home Station, works of considerable extent have been conducted at Weymouth and

Dover. At Weymouth we find that Captain Smith, who so ably conducted the works there, states that the employment of skilled military labour resulted in a saving of nearly 30 per cent—

> "Memorandum of the comparative Cost of Sapper and Civil Labour.—1. The saving effected by employing military labour (Royal Engineers and Line) instead of contract, is 28·41 per cent. 2. Every soldier, during each day that he is actually employed on the works, clears off (by doing the work cheaper than a civilian) his whole cost to the country, including regimental and working pay, bounty, clothing, barracks, hospital, &c., in fact everything except 3¾*d.* per diem. 3. The amount of work done by an average soldier (taking day-work and piece-work, Royal Engineers and Line, together) is ·71 of that done by a civilian.
>
> (Signed) PERCY SMITH,
> Captain Commanding Royal Engineers.
> Weymouth, June, 1866."

The officer who carried out the works at Dover is, I am happy to say, a Member of this House (Captain Beaumont), and I trust he will give us his opinion as to the success of the experiments, and to the necessity of organization. In many of these experiments on fortifications, the soldier of the Line has acted as a labourer, the Sappers doing all the skilled labour; but there is nothing whatever to prevent every Line regiment having a large body of skilled artificers receiving full working pay on the same plan as carried out in the Royal Engineers; and if a complete organization is adopted, you will have every regiment with its corps of artificers, like ships in the navy carrying their dockyard with them. I have endeavoured to obtain some reliable statistics as to what percentage of the troops at present employed have served in trades, but without success, as it appears a large number of recruits will not admit the fact of their having been employed in trades, and frequently men declare themselves to be tradesmen who have no qualification. In the Return moved for by the hon. Member for Buckingham (Sir Harry Verney), it would seem that the percentage of men who have had some knowledge in useful trades in Line regiments amounted to 8 per cent; but I am inclined to believe that this is over the mark. Supposing we were to state the case in its worst aspect, and to presume that there were actually no artificers in the Infantry whatever, I am convinced even then, that if inducements were held out of fair working pay being given, you would soon find a large number of artizans amongst your recruits, and the general class of men very much raised. In this view I am borne out by the Recruiting Commission, and also by the manner in which the Royal Engineers are recruited. I find that Mr. Buckley stated this view very concisely before Sir George Lewis's Committee. He said—

> "The knowledge of the fact that a soldier can return to his home an independent member of the community instead of being an outcast almost of society, would have such a tendency to improve the recruiting for the army that parents would no longer hesitate to allow their sons to enter its ranks. Young men of respectability, as tradesmen, would no longer hesitate to become soldiers, if they knew they could still continue to practise their trades; a better description of recruit is obtained for the Royal Engineers from the knowledge that a certain amount of working pay is certain."

I shall no doubt be told that in every regiment you have already established an artificer's corps in the Pioneers of the regiment, and, to a certain extent, this is true according to regulations. But, Sir, until last year nearly every regiment selected their body of Pioneers, not on account of their being artificers, but because of their size and capability of growing handsome, luxuriant beards, and to look well at the head of regiments, with their magnificent polished tools, which never showed signs of laborious use. Their duties have hardly ever been that of artificers, unless, indeed, it may be urged that they have been employed in performing small jobs of little real utility. Now, Sir, I apprehend that nearly every commanding officer would object to the Pioneers being largely augmented, not only because it would interfere with the interior economy of the regiment, but also because it would make an invidious distinction in the ranks which ought to be avoided. I am aware that in this view I am not borne out by Colonel Jeffreys, who has had so much experience in the matter; but I think he is an exception to the rule. The plan, therefore, which seems to me most feasible and open to the least objection would be to abolish the Pioneers altogether, and in lieu thereof to enter a certain number of artificers in each company, obtaining the same pay as their companions, but whose privilege and advantage it would be, to be employed, as a rule, four or five days a week on working pay, under the Royal

Engineer of the district, on repairs and new works. Now, Sir, in making these suggestions, I wish the House to understand that I do so with the utmost diffidence, being well aware that there are considerable difficulties to be overcome; but after discussing the subject with officers in the army of considerable experience, it seems generally to be thought that this would give rise to the least interference with the internal economy and discipline. I believe that if you were to lay down the rule that seven men in each company were to be artificers, you would soon obtain them, and that these seven would form the nucleus of a still larger number anxious to be employed. It will no doubt be asked—How is this complete organization to be carried out? How are you to obtain the requisite superintendence? Who is to purchase materials? Where is your builder's yard, with its tools, its ladders, and appliances? Sir, my answer is simply this, that you have already a complete system of superintendence to carry out a general plan for the employment of military labour, without going to the expense of a single shilling. The private soldier has always been accustomed to look to the Royal Engineers and the Sappers as their legitimate superintendents and foremen when employed in time of war on works and fortifications, and it is this valuable force that you must utilize in time of peace to the fullest possible extent. It would be the greatest mistake, in my humble opinion, to set up a regimental organization distinct from the Royal Engineers. The plan, to be properly carried out in its integrity, must be local, and not regimental, and in this I think I shall be borne out by most gentlemen connected with the army. If you try to keep the organization in a regiment, you will find not only that it will interfere very much with the internal economy, but accounts would be multiplied, endless confusion would prevail, and that the upshot of it would be that the system, as applied on a large scale, would infallibly break down. If anything further was required to corroborate this statement which I have endeavoured to lay before the House, it would perhaps be the testimony of any man who practically tried to carry out a system on a large scale. Fortunately, I am able to say that I have that testimony in the person of Colonel Clarke, Director of Works at the Admiralty. I believe, Sir, that Colonel Clarke, who is an officer of the highest ability in the Royal Engineers, is one of the best authorities on this subject, having not only been a warm advocate of its adoption during a long number of years, but also having had practical experience. I find, Sir, that as long ago as 1847 he superintended the construction of barracks in New Zealand, which he appears to have carried out with great success by soldier labour. On being appointed to the Admiralty a few years back, he strongly advised that the Marines should repair their own barracks; but he found every colonel commandant strongly opposed, and the Board of Admiralty difficult to move. Not, however, the least despairing, he set to work to see what could be done, and, with the cordial assistance of Sir Sidney Dacres, the scheme has, to a certain extent, been successfully carried out, though there is yet very much to be done. I find that nearly all the barracks are now repaired by the Marines at a saving of about 30 per cent, and that the commanding officers testify that discipline has not been interfered with. In the Return which has not yet been printed, I find that at Chatham a saving of 23 per cent has been effected. Colonel Lambrick states—

> "I have found the artificers and labourers employed, efficient soldiers in the Brigade and Battalion. Their conduct is good. I rarely have any complaints. They appear to like the work, and being so employed I am sure makes them better soldiers and therefore more valuable to the State."

At Woolwich a saving of 44 per cent has been made, and Colonel Luther states "Marine labour has worked most satisfactorily." At Plymouth the saving is 40 per cent, and Colonel Foote says—

> "I am of opinion that the ordinary repairs of barracks has been very satisfactory, the work having been well done, at less cost than would have attended the employment of contractors' men, and with less delay."

At Portsmouth the saving is about 22 per cent, and Colonel Schomberg, who is supposed to be very strict in regard to drill, says—

> "Irrespective of the actual gain in money, I consider that such employment has other advantages. It offers a reward to deserving men, and encourages good conduct. These men, whilst serving, keep up a knowledge of their former

trades. On actual service they would be most valuable, and could assist in engineer operations. Discipline is improved—drill and appearance on parade not injured in any way whatever."

Now, Sir, I am well aware that objections have been raised against adopting soldier labour on any large scale, but I have been unable to find a single one which cannot easily be answered, although I do not wish for a moment to deny that there are difficulties in the details which require careful consideration. It is said that it would be impossible to obtain a sufficient supply of artificers; but I think the recruiting for the Royal Engineers shows unmistakably that this would not be the case provided you gave a liberal amount of working pay; and if, after making the attempt, you failed, it would then be perfectly easy to teach a certain number of boys different trades in order to start the system. Then I am told that the men would buy their discharge directly they had made sufficient money, in the same manner that several companies of Sappers out in the colonies have preferred civil life and left the Service. Well, Sir, I do not think much harm would arise if this were to be the case, as I am confident the vacuum would still be filled in, and if the purchase-money were increased for artificers, no loss could be sustained. I am quite clear, however, that the working pay must be put entirely on a new footing, and must rise and fall in proportion to civil pay. It is absurd to think that under the existing regulations an Engineer in the colonies, where the wage for artificers is naturally high, should be receiving the same working pay as if he were on the Home Station. It is said by some officers that it would affect drill; but I think all the experience we have gained shows that this is not the case. I am informed that Colonel Pasley, who erected some stone barracks at Melbourne, used to fall his men in one afternoon in the week to what was termed "swaggering drill," and it was found to answer admirably, and the men were always well set up. Then I am told that in garrison towns it would be impossible to carry it out. Now, Sir, an officer at Dublin has been kind enough to send me the garrison statistics, and I find that even there—which is supposed to be the most heavily garrisoned town on the Home Station — a percentage of seven men to each company could be employed every day in the repair of barracks. It seems to me, Sir, that this also leads to another question—namely, whether the duties in garrison towns could not be considerably cut down? Then I am told that you would be put to a great expense for workshops and tools. But this need not be the case, as the Royal Engineers have the tools. In almost every barrack in the kingdom a portion of the building is at present reserved by the Royal Engineer Department as store and workshops for the civilian labour employed under the contractor, and it is only necessary to alter the appropriation of these places to obtain the necessary accommodation. Then I have been told that it would benefit the soldier, but not the State. I think, Sir, that the only answer to this is that the time has gone by when it was thought "that the greater the blackguard so much better the soldier;" and that we now feel that the more you raise the tone of the soldier, so much more efficient does your army become. These, I believe, Sir, are the chief objections, and I now come to what would be the financial result if an organized system were adopted. I find that the number of civilians employed daily on the repair of barracks on the Home Station throughout the year, is about 1,200, and that if soldiers were employed you would require about 2,000 to work four days a week. If my proposition were carried out of having seven men in each company, you would have on the Home Station a splendid body of no less than 5,000 skilled artificers. If, then, 2,000 were taken for the repair of barracks, you might employ 3,000 on the other works suggested by the Committee. I believe that by this means the expenditure on barracks, amounting to £133,000, might be reduced by £40,000; and that the remaining sum of £357,662, which is now spent under Vote 14 for the Home Station, might be reduced by £100,000. In France, the employment of soldier labour is carried out to a very large extent, and I am informed that all the gun-carriages are made by the Artillery. I do not see what is to prevent the same course being adopted in this country. I will not now take up the time of the House any longer, which I fear I have already trespassed upon at far too great a length. I will therefore only add that

I believe the organization of the armies of all foreign nations has, during the last few years, advanced by rapid strides: it must not be that England should be left behind in the race. Sooner or later the strife must come, and the result must depend on the general aptitude of our armies for the emergencies of war; the clinging to a system of machine-made troops not in harmony with the age will not avail us in time of need. Let us, then, in this period of peace, by timely and judicious and systematic reforms, lead our men to a better general acquaintance with the structural duties of the Service; and by so doing, I am confident we shall effect vast economy in our expenditure, and proportionally increase the efficiency of our armies. The hon. Member then moved the Amendment.

Mr. HEADLAM, in seconding the Motion, said, his hon. Friend (Mr. Hanbury Tracy) had done exceedingly good service by bringing the subject before the House. He (Mr. Headlam) had long entertained a strong opinion that soldiers might be employed, very beneficially to themselves and the public, upon such works as had been indicated. He did not wish to enter into the economical part of the question; his hon. Friend had shown that a great saving would be effected by the employment of soldiers. But his own experience as Judge Advocate General enabled him to say that many of the crimes which soldiers were guilty of arose in reality from lack of employment. He believed that if they had the opportunity of earning an honest penny, they would be better soldiers and better men, and would avoid many heavy punishments which were now inflicted. He believed the House was scarcely aware of the long terms of punishment to which soldiers were subjected for various crimes and offences against military discipline; and if they could be saved from the commission of these crimes, that in itself, independently of any economical advantage, would be a great and material benefit. This subject had been brought forward previously—at least in the other House—and there had always been a perfect concession of the truth of the arguments; but somehow the military authorities had always neglected to carry their professed opinions into practice. He therefore wished to impress upon his right hon. Friend the present Secretary of State for War that he should not simply say that he acceded to the proposition, but that he should, by a strong exercise of his own will, give effect to it, because unless he did this it would not be carried out by commanding officers. He was certain that if some system of this sort were carried out, the condition of the army and the character of the soldier, in all the higher senses of the term, would be improved.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, an authorized organization should be adopted for extending the system of 'Military labour to Military works' to all stations of Her Majesty's Army," —(*Mr. Hanbury-Tracy,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

General PERCY HERBERT said, he rose to prevent the House assuming that the difficulty in the way of the employment of soldiers arose exclusively from the opposition of officers. Another difficulty to be got over was the financial one. When Engineer officers were not available to superintend the labour of soldiers, it was in many instances cheaper to employ contract labour.

Mr. CARDWELL said, he need not assure the House of the entire sympathy with which he regarded the Motion of his hon. Friend (Mr. Hanbury Tracy). There could be no doubt that everything which diminished idleness among soldiers was a boon, seeing that in the army, as out of it, idleness was a fruitful source of evil. Anything which increased the pay of the soldier, and enabled him to add to his comfort, and that of his family, if he had one, and anything which broke down the barrier between military and civil life, and gave the soldier participation and interest in the pursuits of those by whom he was surrounded, must have a beneficial effect. Another signal benefit which might be expected to follow from the introduction of soldier labour was the enlistment of artificers who, entering at an early period of life, might look forward to returning to civil life, and resuming the employment to which they had been accustomed, particularly if the term of service were shortened, as he hoped it would be. All these advantages recommended the Motion to the favour of the House, and he should be happy to promote any organization which would attain the desired result; but he would caution his hon. Friend not to forget that in the army you must depend on commanding officers, as it was through them the organization must be carried into effect. When men were separated from the army and given work to do, it was the commanding officer who was responsible for maintaining discipline and preventing undue pressure being put on the other men who were engaged in ordinary regimental duties. It might materially impair discipline and do serious injury to the army if the commanding officers were in any way ignored in this matter. When large savings were spoken of to be effected by this mode of industry, it must be remembered that superintendence had to be provided, and he did not think that in the statistics quoted anything was reckoned for this superintendence. They could only obtain superintendence when they had Engineer officers at their command. Then, again, much must depend upon the number of men in a regiment who were trained for the particular service to which it was desired to put them, and upon their aptitude for it. Of course, if a contractor were doing any given work it would be for him to say what labour should be employed. He had presented a Return to the House, from which hon. Members would find that there had been no indisposition lately to prosecute this system. At Portsmouth, the average numbers of men employed were — civilians, 67; soldiers, 29; at Woolwich — civilians, 35; soldiers, 108; at the Curragh Camp —civilians, 24; soldiers, 53. The Controller had received a letter from Colonel Meredith reporting the results of the system as tried at Parkhurst. The Colonel stated that the men having been selected and classified in trades, they were sent to the shops, and received 1*s.* 3*d.* a day if they worked as artificers, and 9*d.* if as labourers. In some cases the pay was increased. The hours of labour were eight hours in winter and ten in summer, and the men were paid for overtime. The work was very popular among the men, and though it had been only carried on for a short time, the effect on the men's characters was most excellent. The money earned was mostly spent on their families, where they had families, and some had accumulated considerable sums in the savings bank. He had the pleasure of telling his hon. Friend, that in the recent barrack regulations, arrangements had been made for the barrack repairs to be executed, as far as possible, by the men themselves, under the direction of the Royal Engineers. In communicating the information contained in the Returns to the Commander-in-Chief, he had expressed his wish that the attention of commanding officers should be drawn by a circular to the good resulting from the system, and that regiments might be moved as little as possible in cases where they had been tolerably successful in obtaining useful work on their station. He therefore hoped his hon. Friend would be satisfied that the military authorities were alive to the importance of the subject, and fully desirous of extending the system as far as practicable.

Amendment, by leave, *withdrawn.*

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—ARMY ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

(1.) £460,800, Clothing Establishments, Services, and Supplies.

(2.) £512,900, Barrack Establishments, Services, and Supplies.

(3.) £43,800, Divine Service.

(4.) £2,000, Martial Law.

SIR ROBERT ANSTRUTHER said, he thought it was high time that the attention of the Committee should be drawn to the degrading practice of branding deserters with the letter "D." He should like to ask the Secretary of State for War, whether it was not contrary to the Articles of War, which specified the place where a man should be branded, to mark him more than once? If soldiers were subjected to the disgraceful punishment, how could it be expected that respectable men would enlist? Men deserting from the police were not branded; and admission to the force was at a premium. It was held to be disgraceful among the men of the police force to be dismissed; why, then, should it not be so in the army? Since the House had abolished flogging it would not long tolerate the far more barbarous practice of branding. Was it just to mark a man indelibly for an offence committed oftentimes from momentary impulse?

Colonel NORTH said, he entirely differed from the hon. Baronet (Sir Robert Anstruther). Branding was necessary as a precaution. Formerly the man who had been punished carried the marks of the cat upon his back, but now flogging had been done away with. It was absolutely necessary that something should be done to prevent a deserter deceiving the country by a second enlistment. It had been stated, on more than one occasion in that House, that desertion was becoming a regular trade, and an instance had been given of one man who had deserted no less than thirteen times. It was necessary to have some means by which they could prevent men, who from their appearance frequently seemed to be likely to make good soldiers, from re-enlisting after desertion. Unless they could devise some such means there was nothing to prevent such blackguards from enlisting in all the regiments in the British army. It was all very well for hon. Gentlemen to get up in that House and talk about degrading the soldier; but the opponents to the present system ought to be prepared to recommend some equally efficacious means of preventing re-enlistment after desertion.

Lord ELCHO said, that the idea of branding human beings as one would brand cattle was most repulsive. The practice appeared to be a relic of past times, of times such as those of Charles II.—a very pious monarch—when the Mutiny Act of the day contained a provision that any soldier speaking disrespectfully of the doctrine of the Trinity or swearing should be liable to have his tongue bored through with a hot iron. The question which the House would shortly have to consider was not whether men should be branded several times, but whether that punishment should be inflicted at all. Even burglars were not branded. He believed that desertion might be prevented as well as it was under the present system by resorting to photography, which had been found of so much use in enabling the police to recognize offenders against the law. If, however, no other remedy could be devised, he thought it would be better to run the risk of a certain percentage of deserters.

Mr. BUXTON said, he believed that the only effectual cure for desertion was to make the Queen's service as attractive as possible. There was no real reason why the army should be the only service which men were forced to enter, especially as it might, without much difficulty, be made the most attractive service in the country.

Mr. GUEST said, that the term "branding" was quite a misnomer in the case. The operation was known to the doctors as cupping. In reality, it implied nothing more than the tattooing to which nearly all sailors voluntarily submitted. There was no branding with a hot iron. The practice was necessary as a precaution against fraud — an evil against which photography, while being very expensive, could afford no protection whatever.

Viscount BURY, in answer to the remarks of the hon. Member for Surrey (Mr. Buxton), said, that to make the army more attractive would be to make it worth the while of dishonest men to enter the service for the sake of deserting it. It would be impossible for commanding officers from mere photographs to pick out men who had deserted or been dismissed for bad conduct, and prevent them from joining the ranks. There appeared to be an idea that this branding was similar to the branding of cattle; whereas in reality it was nothing more than pricking the flesh with a needle and rubbing in some gunpowder. Almost every sailor in Her Majesty's fleet bore similar marks, and if a sailor rolled up his shirt sleeves he generally disclosed the initials of his own name and of the name of at least one of his lady-loves. Of course, it might be said that marking with a "D" was a sign of disgrace, but the disgrace was not to be inflicted unless it was deserved. He certainly thought we ought to retain one means by which we could prevent deserters from attempting to enlist in other regiments.

Lord GARLIES said, that it was at the discretion of the courts-martial, and not imperative upon them, to order a prisoner to be marked in this way, and the punishment was frequently, in the case of young and inexperienced soldiers, withheld, in the hope that the leniency exhibited might be attended with beneficial effects. Nor was it necessary to imprint another "D" on deserters upon a fresh conviction.

Mr. CARNEGIE said, that the effect of this system was to deter good men from enlisting. The punishment ought to be abolished altogether, and commanding officers ought to have the power of discharging bad characters. Any loss thus sustained would be fully made up by the enlistment of a better class of men.

Mr. CARDWELL said, he hoped that the day had gone by when desertion was or would be anything like what it was when he first entered Parliament. There were now excellent candidates for admission into the service, and he hoped to see the day when marking would be altogether abolished. The history of the question was this—At one time an enormous system of fraud was practised by men who enlisted first in one regiment of the army, then in the Militia, and who went from one regiment to another. Such was the loss occasioned to the public in this way that, in 1844, Parliament altered the Mutiny Act, and —he would not enter now upon the legal question — appeared to make it more stringent. His opinion had been asked, not upon the legal question, but whether marking should be regarded as a proper punishment. His answer was clear—he did not think it ought. It was not meant to be inflicted as a punishment, but for the prevention of fraud; so that the second infliction of it was wrong, and he felt no doubt that His Royal Highness the Commander-in-Chief would be of the same opinion.

Colonel NORTH asked whether any steps had been taken to carry out the recommendation of the Royal Commission on Military Punishments, who had suggested the establishment of a central military prison, and whether there was any foundation for the statement that crime in the army was on the increase?

Mr. CARDWELL said, that one of the first questions which came before him on taking Office was the first Report of the Commission upon this subject, and he had been very desirous of putting into the Estimates of the present year a sum of money for the purpose of carrying into effect the recommendation as to the central prison. Upon consultation, however, with Colonel Henderson and his hon. Friend the Member for Truro (Captain Vivian), who was a Member of the Commission, he came to the conclusion that it would be premature to do so, not from the slightest unwillingness to give effect to the Report of the Commission, but for these reasons—In their first Report the Commissioners recommended many alterations in the mode of punishment which would diminish the number of imprisonments, substituting fines; for example, for drunkenness, which was the fertile mother of all imprisonments. It was thus highly probable that the number of imprisonments might be diminished. Then the contemplated reduction in the number of men might lead to the disappearance of the most frequent inhabitants of the military prisons. And, lastly, he thought it better to wait until the final Report of the Commission had been presented, together with the evidence, so that Parliament might be fully informed upon the whole subject.

Colonel WILSON-PATTEN said, the Commission had presented their first Report because they thought that the Government should be put in possession of their opinion that, consequent upon the abolition of corporal punishment in the army, it was necessary that some system of severer punishments should be adopted in order to prevent crimes that were likely to prevail. The Commission, among other things, had recommended the infliction of severer punishments than could be inflicted under the present prison system, and for that reason they had suggested the building of a new central prison. He hoped this suggestion would be carried out without delay. At the present moment, there was scarcely a military prison where punishment could be inflicted according to the mode recommended by the Commission. The recommendation of the Commission should be carried out as soon as possible, for since the abolition of corporal punishment certain crimes, such as insubordination, had increased. He would, therefore, suggest to the Secretary of State for War that, under these circumstances, the civil prisons throughout the country should be made available for military punishments until the prison referred to could be built.

Mr. OTWAY said, he was surprised at the statement that crime had increased in the army since the abolition of corporal punishment. He had heard nothing of this. On the contrary, according to his information, there had been a great improvement in the character of the army, and the character of the men who offered themselves for enlistment was much higher. He hoped the right hon. Gentleman would take an early opportunity of laying some evidence of his statement before the House.

COLONEL WILSON-PATTEN said, he should lose no time in doing so. He did not know where the Under Secretary of State for Foreign Affairs (Mr. Otway) had got his facts, but they were certainly very different from what were stated before the Commission. He had that very morning been informed upon the highest possible authority, that there had been a very great increase of the crime of insubordination in the army. For instance, in 1866, that crime prevailed in one branch of that service at the rate of ·6 per cent, in 1867, it was ·9 per cent, while, in 1868, it had risen to 1·9 per cent. This had not been given in evidence before the Commission, but if the hon. Gentleman would come before the Commission and state any evidence to the contrary effect they would be delighted to hear him, and his statements might materially affect the Report of the Commission.

MR. OTWAY said, that it would be unnecessary for him to do so, seeing that the right hon. Gentleman was going to lay the evidence on which he based his opinion before the House, when it could be discussed. It was not, however, absolutely necessary to take information on this subject from a Royal Commission, and he could only say that several commanding officers had informed him that the state of the army had improved since the abolition of corporal punishment. If the right hon. Gentleman was about to show that crime had increased since the abolition of corporal punishment, he thought they had better wait until they had the evidence before them.

COLONEL WILSON-PATTEN said, the hon. Gentleman should not misrepresent him. What he had said was, not that crime had increased, but that one particular crime had increased. The Commission were taking the greatest pains to obtain information on the point, and if the hon. Gentleman really possessed it he ought to let them have it. The Commission would be delighted to have any proof that one crime was not on the increase.

MR. CARDWELL said, he thought it would be wiser to wait for the evidence before they discussed the matter further.

MR. ALDERMAN LUSK said, he wished to know whether the conduct of men had been better since the abolition of flogging than it was before, seeing that the Estimates for detection of crime and for imprisonment had decreased by £15,000?

MR. CARDWELL said, in reply, that the apparent reduction was owing to changes made with regard to clothing and stores which were transferred to another Vote.

Vote *agreed to.*

(5.) £366,800, Hospital Establishment, Services, and Supplies.

VISCOUNT BURY said, there was an item of £1,123 under the head of contingencies of the Medical Department for travelling. He had been informed that in a regiment quartered in London several invalids were ordered for change of air to some place on the sea-coast; but they were unable to take advantage of the order because no fund existed to pay their travelling expenses. The consequence was that the services of these men were likely to be permanently lost to the country. He wished to know whether the item he had referred to included any sum for the travelling expenses of convalescents for change of air.

MR. CARDWELL said, the item alluded to by the noble Lord had reference to the travelling expenses of medical officers. There was no sum provided in this Estimate for the travelling expenses of convalescents.

LORD GARLIES said, the charge of £4,700 for the treatment of lunatics showed a reduction of £500 on last year. He wished to know on what basis that reduction was made, seeing that there would be a large increase in the number of troops at home this year?

MR. CARDWELL said, in reply, that lunatics were now more rapidly sent to their parishes than was the case formerly.

VISCOUNT BURY said, that if it was the case that there was no sum available for the conveyance of convalescents to the sea-side, it was hardly creditable to the country, and he would suggest whether it would not be well to put aside some such sum for the future. He would ask the right hon. Gentleman on the Report of that Vote whether he would not undertake to ask Parliament to set aside such a fund next year?

Vote *agreed to.*

Motion made, and Question proposed,

"That a sum, not exceeding £952,700, be granted to Her Majesty, to defray the Charge of the Militia and Inspection of Reserve Forces, which will come in course of payment from the 1st day of April 1869 to the 31st day of March 1870, inclusive."

GENERAL PERCY HERBERT said, he hoped the right hon. Gentleman would consent to report Progress, as there was an important question to be raised on the Reserve Fund, with which this Vote was connected.

MR. CARDWELL said, he had been waiting for the noble Lord the Member for Haddingtonshire (Lord Elcho), to introduce his Motion. He was not desirous of depriving any hon. Gentleman of an opportunity of raising a discussion on a particular Vote. He had consented to postpone the Yeomanry Vote; but they had not yet been an hour in Committee of Supply, and the noble Lord, if he did not bring forward the question at that moment, could raise the discussion at another opportunity on the Motion that the House resolve into a Committee of Supply on the Army Estimates.

LORD ELCHO said, he was anxious to have a full discussion on the important question of the Army of Reserve, of which the Militia was one of the main elements, and it would be perfectly absurd to begin the discussion at that hour (twenty minutes to twelve o'clock). There had been a general impression that the Votes bearing on that question would be postponed. He should endeavour to condense his remarks as much as possible; but it was quite impossible that the matter could have been adequately dealt with at the hour the House went into Committee—eleven o'clock.

MR. CARDWELL said, that the noble Lord could not attach more importance than he (Mr. Cardwell) did to the question. As time would only be wasted in discussing what they should do, he would at once consent to postpone the Vote.

Motion, by leave, *withdrawn.*

Viscount Bury

(6.) £1,150,000, Military Stores Departments.

MR. J. D. LEWIS said, he rose to call attention to the extensive changes at present being made at the Royal Laboratory, Devonport, and to ask in what manner the work hitherto carried on at that establishment was in future to be performed?

MR. CARDWELL said, the Controller in Chief found that it was not necessary to maintain a separate establishment at Devonport. The duties would be discharged by the Store Department as between 1850 and 1858, and the result would be a considerable economy.

MR. ALDERMAN LUSK said, he wished to know the amount of stores lying in the different depôts, and the value of them?

MR. CARDWELL said, he was not sure how far it was possible to give an inventory of stores in different parts of the world, but he should be extremely happy at any time to communicate to the House all the information he could collect on the subject. Every means would be taken to get rid of surplus stores. There was a considerable reduction in this Vote, which he had no doubt would be regarded with great satisfaction by the Committee.

LORD GEORGE HAMILTON asked, whether a larger proportion of the arms had not been made at Birmingham than had previously been the case?

MR. CARDWELL said, the power of the Small Arms Factory had not been diminished, though it was now being worked at a low point from there being very little work to do. It was true that a small portion of the Enfield rifles required for the service had been given to manufacturing companies, because it was economical to rely in some degree upon the trade for supplies, and not to maintain establishments large enough to supply the whole of our requirements. With regard to the new Henry-Martini rifles, 200 were being manufactured, which would not be ready until August, though a few would be ready for the use of the National Rifle Association at Wimbledon. A portion of the machinery at Enfield was being altered for the purpose of making this new rifle, and then they would be made in larger quantities, though the first decision as to whether the Henri-Martini would be the arm of the service could not be taken until they had been tried in hot and cold climates.

Sir JOHN PAKINGTON asked if the establishment at Enfield was to remain as it was now?

Mr. CARDWELL said, that there would be no alteration at Enfield, except that a smaller number of men would be employed, as there was less work to do.

Sir PATRICK O'BRIEN said, he wished to ask whether it would not be better that in future this portion of the Estimate relating to the navy should be placed under the management of the Admiralty?

Mr. CARDWELL said, he had no doubt it would be very satisfactory to anyone who had to move the Army Estimates to be relieved of all that related to the naval service, but he could not say that the navy had much at present to complain of. There was the best possible understanding between his right hon. Friend the First Lord of the Admiralty and himself, and he did not know that any change would be made in that matter.

Vote *agreed to.*

(7.) £884,000, Works, Buildings, and Repairs.

Mr. C. W. MARTIN said, he wished to call attention to the position of the clerks of works of the Royal Engineer department, who within the last few years had been compelled to serve abroad, and whose widows were not allowed pensions supposing the men died on active service. These officers had insured their lives, and when ordered on foreign service their insurances were vitiated. A discussion had taken place last year, when General Dunne called attention to the position of clerks of works in the Engineers' department, and a sort of half-promise was given that the claims of their widows should be considered.

Mr. CARDWELL said, he was not aware that his hon. Friend intended to bring that matter forward. He confessed the case was entirely new to him, but he would consider it. That question, however, ought properly to be raised on the Non-effective Votes. He believed that no pensions were contemplated in the case of clerks of works, but he would inquire.

Mr. WHITBREAD said, he wished to know what his right hon. Friend intended to do with reference to the Report of the Court Martial Commission on the subject of military prisons. The Commission recommended either that a central military prison should be established at Aldershot, or that a contract should be made with local prisons ready to receive military prisoners. If his right hon. Friend would do either the one or the other he should be content.

Mr. CARDWELL said, he had desired to include an estimate for a central military prison in the present Estimates, but not having yet received the final Report of the Commission, and being doubtful as to the number of prisoners for whom provision ought to be made, he thought it better to wait for the Report, and hold himself at liberty to propose an estimate for the prison a little later, if it were found necessary to do so.

Sir ROBERT ANSTRUTHER said, he desired some explanation as to the Vote of £32,000 for the purchase of ground for storehouses at North Woolwich.

Mr. CARDWELL said, in reply, that the amount originally proposed was £70,000, but the Control Department at Woolwich had effected a considerable saving in reference to the matter, and the store houses in question being no longer wanted would be re-sold.

Colonel BARTTELOT said, he wished for an explanation of the excess over the original estimate of £260,000 for the defences of the dockyard and naval anchorage at Bermuda. The estimate had now increased to £375,000.

Mr. CARDWELL said, the increase was very vexatious, and arose partly from the fact that there was no convict labour available, and partly because the compensation under a local Act was assessed by local juries, who gave much larger sums than were anticipated.

Vote *agreed to.*

House *resumed.*

Resolutions to be reported *To-morrow;* Committee to sit again upon *Wednesday.*

PAROCHIAL SCHOOLMASTERS (SCOTLAND) BILL.

On Motion of Mr. M'Laren, Bill to amend the Law relating to the appointment of Parochial Schoolmasters in Scotland, *ordered* to be brought in by Mr. M'Laren, Sir Edward Colebrooke, and Mr. Fordyce.

Bill *presented,* and read the first time. [Bill 72.]

House adjourned at a quarter after Twelve o'clock.

HOUSE OF LORDS,

Tuesday, 13th April, 1869.

MINUTES.] — SELECT COMMITTEE — Law of Hypothec in Scotland, The Duke of Richmond *added.*

PUBLIC BILLS — *First Reading* — Civil Service Pensions * (53); Sea Birds Preservation * (54); Colonial Prisoners Removal * (55); Merchant Shipping (Colonial) * (56).

Second Reading—Naval Stores (33).

Committee—Report—Railway Companies' Meetings (44).

Withdrawn—Colonial Offenders Removal * (46).

IRELAND—RELEASED FENIAN PRISONERS.—QUESTION.

NOTICE WITHDRAWN.

THE MARQUESS OF CLANRICARDE said, he had placed on the Paper a Notice of the following Question :—"To ask Her Majesty's Government, Whether the statement made by the Chief Secretary for Ireland on Thursday respecting seditious language used in public by some of the lately released Fenian prisoners is intended to convey that any special immunity for such a crime is granted by the Government to that class of prisoners?" but he now thought the subject was of too grave a character to be brought before their Lordships as a mere Question, he wished to withdraw it. Another reason for doing so was that he had been informed that the speech of the right hon. Gentleman the Chief Secretary for Ireland was not accurately reported in the newspapers. It was to the particular words reported, and not to the general purport of the answer of the Chief Secretary given as a whole, that he took exception.

RAILWAY COMPANIES MEETINGS BILL.

(*The Lord Privy Seal.*)

(NO. 44.) COMMITTEE.

Order of the Day for the House to be put into a Committee on the said Bill read.

THE MARQUESS OF SALISBURY said, that this Bill repealed the 35th section of the "Regulation of Railways Act, 1868" (which relates to meetings of incorporated railway companies—commonly called Wharncliffe Meetings—and the approval of such meetings of bills and certificates for conferring additional powers on those companies) so far as relates to any Bill introduced into either House of Parliament after 1st February 1869. Now, he desired to point out that the bare repeal of this section might be attended with inconvenience. Several such meetings had been held, and in some cases had refused to approve Bills promoted by Boards of Directors; but this Bill would allow such Bills to proceed notwithstanding such dissent, although the shareholders, relying on the clause, had lost the opportunity of petitioning against them. He suggested that something should be done in framing the Standing Orders that would protect the rights of shareholders in this respect.

THE EARL OF KIMBERLEY said, he would confer with the noble Lord the Chairman of Committees on the subject.

LORD REDESDALE said, that he should have to propose a Sessional Order on the subject, of which notice would be given, which would secure to the shareholders their power of appearing before a Wharncliffe meeting when a Bill passed from that to the other House.

House in Committee accordingly; Bill *reported* without Amendment; and to be read 3ª on *Thursday* next.

NAVAL STORES BILL—(No. 33.)

(*The Earl of Camperdown.*)

SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF CAMPERDOWN, in moving that the Bill be now read the second time, said, that the title of the Bill was hardly calculated to convey the object for which the Bill was originally framed. A series of Acts for the protection of naval stores had been passed, of which the earliest was in the reign of William III., and the latest in 1857. This Bill seemed to contradict the principle affirmed by those Acts, which provided, first a series of marks appropriated to the Admiralty, which no other trader is allowed to use, and then enacted that no private person should keep, possess, or sell any property on which these marks are imprinted. The consequence of this has been that not only had private persons been unable to sell stores on which these marks were imprinted, but the Admiralty had found themselves precluded from disposing of stores which were obsolete or partially worn out. In order to remedy that inconvenience he had introduced this Bill, which would repeal all the previous Acts on the subject, and would then re-enact all the clauses which it was thought desirable to retain—omitting, of course, all those provisions which prevented the Admiralty from disposing of their old stores, when they found it for the public interest that they should do so. As it stood, the Bill also omitted the clauses retaining for the Admiralty the use of certain special marks; but on the Report he should propose to insert clauses which would still give the Admiralty the exclusive use of the "broad arrow" as their mark. The Bill was founded upon the recommendations of the Committee of the House of Commons on Dockyard Management, which sat last year, and was presided over by Mr. Seely.

Moved, "That the Bill be now read 2ª."—(*The Earl of Camperdown.*)

THE EARL OF HARDWICKE thought it a great bungle to bring in a Bill and then amend it on the Report. The better course would be to withdraw this Bill and bring in another.

THE EARL OF CAMPERDOWN thought that, in order to save time, it would be desirable to take the course he had proposed. The Government desired to pass the Bill as speedily as possible, and to withdraw this Bill and introduce another would cause delay. The Admiralty wished to sell several old ships, and they were anxious to pass this Bill first. By the present system the Admiralty had frequently to sell ships for very much less than they had afterwards to pay for the old copper. This was the case of one ship's hull that sold for £300, when the copper had to be re-purchased for £1,665; and with regard to the *Medway*, she sold for £2,180, and her copper had to be re-purchased by the Admiralty for £4,210. Out of twenty-seven ships sold the same thing had occurred in every instance; and therefore it seemed to him that the sooner a law which produces such results is repealed the better it would be for the public interest.

THE DUKE OF SOMERSET, while admitting the inconvenience of the present law, thought it would be more convenient if the Amendments were proposed in Committee, instead of at a late stage.

THE EARL OF CAMPERDOWN was quite willing to move the Amendments in Committee, and then to have the Bill re-printed with the Amendments.

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

COLONIAL PRISONERS REMOVAL BILL [H.L.] (NO. 55.) A Bill for authorizing the removal of Offenders from one Colony to another for the purposes of Punishment: And also,

MERCHANT SHIPPING (COLONIAL), 1869, BILL [H.L.] (NO. 56.) A Bill for amending the Law relating to the Coasting Trade and Merchant Shipping in British Possessions: Were severally *presented* by The Earl GRANVILLE; read 1ª.

House adjourned at half past Five o'clock,
to Thursday next, half-past
Four o'clock.

HOUSE OF COMMONS,

Tuesday, 13th April, 1869.

MINUTES.] — NEW MEMBER SWORN — John Samuel Wanley Sawbridge Erle Drax, esq., *for* Wareham.

SUPPLY — *considered in Committee—Resolutions* [April 12] *reported*—ARMY ESTIMATES.

WAYS AND MEANS—*Resolutions* [April 12] *reported.*

PUBLIC BILLS — *Ordered*—Endowed Hospitals, &c. (Scotland); Poor Law (Scotland) Act (1845) Amendment.

Ordered — First Reading — County Coroners [75]; Metropolitan Commons Act (1866) Amendment * [77]; Oyster and Mussel Fisheries Supplemental * [76]; Adulteration of Food or Drink Act (1860) Amendment * [78].

Second Reading—Libel [17].

METROPOLITAN BOARD OF WORKS.

QUESTION.

MR. A. JOHNSTON said, he wished to ask the Under Secretary of State for the Home Department, Why the Report of the Metropolitan Board of Works, dated March 1868, was not presented to Parliament in July, or at latest in November, in accordance with the Act 18 and 19 Vic., s. 200 and 201; and, whether arrangements could not be made in future for such Report being presented within somewhat less than twelve months after the date thereof?

MR. KNATCHBULL-HUGESSEN said, in reply, that the Report contained a very large amount of matter, and the Board of Works found it impossible to complete it within the time enacted by the Act of Parliament. The delay last year was due to the serious illness of the chief clerk, and the Report did not come to the Home Office until December. As to the future, he could assure the hon. Member that he had received from the Board of Works an assurance that every effort would be used to ensure that the Report should be presented earlier.

CONVICTION OF THREE CHILDREN AT SALISBURY.—QUESTION.

Mr. P. A. TAYLOR said, he would beg to ask the Secretary of State for the Home Department, Whether his attention has been called to a case in which three children—namely, two girls aged respectively 11 and 14, and a boy aged 8, were lately convicted, at the County Petty Sessions in Salisbury, of stealing rape-greens to the value of 1*s.* from a field, the two girls being sentenced to a month's imprisonment, in default of paying a fine of 20*s.* and costs, the boy escaping a like punishment against the expressed opinion of the chairman, Lord Folkestone; and, whether he has thought it right to make any representations on the case; and, if so, whether he will lay any Correspondence on the Table of the House?

Mr. BRUCE replied that he had received no representations whatever with respect to this case. It was not the custom nor the duty of the Home Secretary to animadvert on the decisions either of Judges or magistrates, unless representations were made to him; and if representations were made, and they appeared to be worthy of attention, inquiries were instituted, and he endeavoured to form his judgment upon them. In this case no representations had been made, and consequently he had taken no steps in the matter.

NEW ZEALAND—IMPERIAL TROOPS IN THE COLONY.—QUESTION.

Mr. SARTORIS said, he wished to ask the Under Secretary of State for the Colonies, Have orders been sent to New Zealand recalling the 18th Regiment; and, if so, when is the Regiment to leave the Colony; and, can the Governor of New Zealand, notwithstanding the order of recall, if sent, retain the troops, should he consider their removal at the time ordered likely to cause the extension of the present disturbances; and, if so, for what time and upon what conditions?

Mr. MONSELL, in reply, stated that orders had been sent for the recall of the 18th Regiment, which was to leave New Zealand in May next. When that regiment left there would be no Imperial troops in the colony. In reply to the second part of the Question, he had to state that the Governor of New Zealand could not retain the troops, as the instructions given to the Governor were definite and precise, and without limitations or conditions.

PARLIAMENT—CRYPT UNDER ST. STEPHEN'S CHAPEL.—QUESTION.

Mr. W. EGERTON said, he wished to ask the First Commissioner of Works, When the Crypt under St. Stephen's Chapel will be opened for Divine Service?

Mr. LAYARD said, in reply, that the crypt under St. Stephen's Chapel had been completed some time. There was still something to be done with the baptistry, and he was going to ask for a small Vote this year to complete it. The crypt was now ready for Divine Service, but it was for the House to determine whether they wished Divine Service to be performed there, and if so, to provide the endowment for a clergyman.

ESTATES OF THE DEAN AND CHAPTER OF LICHFIELD.—QUESTION.

Lord GEORGE CAVENDISH said, he would beg to ask the hon. Member for North Devonshire, Whether, on the death of the late Dean of Lichfield, the estates of the Dean and Chapter, derived from lands and tithes, were surrendered to the Ecclesiastical Commissioners; and, if so, whether in due time the Commissioners will take into consideration the case of certain parishes in Derbyshire, where the Dean and Chapter have property, and where the incomes of the parochial clergy seldom exceed £150 a year, and in some cases fall below £100 a year?

Mr. ACLAND said, in reply, that the estates had not become vested in the Ecclesiastical Commissioners. Under the Act of 1868 the Ecclesiastical Commissioners were empowered to accept the transfer of capitular estates, and in this instance they were ready to provide the commutation whenever the Dean and Chapter were ready to make the proposal; but without such a proposal the Commissioners had no right to intervene; and when it had been made, the Commissioners would be in a position to take into consideration the wish and claims of the locality. He might add that commutation arrangements were in progress in nearly all the other Chapters, that the augmentations of livings had been completed in some of them, and were in progress in others.

METROPOLIS — ST. LUKE'S HOSPITAL. QUESTION.

COLONEL BARTTELOT said, he would beg to ask the Secretary of State for the Home Department, What steps have been taken by the Lord Chancellor, in accordance with the request of the Governors of St. Luke's Hospital, as appeared in "The Times" of February 27th, with a view to inquire into its management; and, whether the Commissioners in Lunacy have made any inquiry; and, if not, whether the Government intend to order them to make such inquiry?

MR. BRUCE, in reply, said, he had been informed by the Lord Chancellor that not being a Visitor of the hospital, and also on the ground that some complaints with respect to the arrangement of it might be brought before him in his judicial capacity, he had not thought it proper to institute an *ex parte* inquiry into the matter. The Lunacy Commissioners had repeatedly inquired into the management of the hospital, and had made certain recommendations, some of which had been acted upon and some not. They had reported that, in their opinion, the situation of the hospital was not very fit for its peculiar functions. He might add that the powers of the Commissioners and of the Home Office over this hospital was very different, and were very much less than that which they possessed over lunatic establishments generally.

METROPOLIS — CONCENTRATION OF THE PUBLIC OFFICES.—QUESTION.

LORD JOHN MANNERS said, he wished to ask the First Commissioner of Works, If it is the intention of the Government to introduce a Bill this Session for the acquisition of the property recommended to be purchased by the Treasury Commission for the concentration of the Public Offices, and for which the proper notices were given last November?

MR. LAYARD said, in reply, that a Bill on the subject was in preparation, and when it was presented he should be able to make a statement to the House, which he hoped would be a complete answer to the Question of the noble Lord.

EMPLOYMENT OF WOMEN AND CHILDREN IN AGRICULTURE.—QUESTION.

MR. AKROYD said, he would beg to ask the Secretary of State for the Home Department, When the final Report of the Commission on the Employment of Children, Young Persons, and Women in Agriculture will be laid upon the Table?

MR. BRUCE said, in reply, that as far as England and Wales were concerned the Report of the Commission would be ready in the month of August; but as the inquiry had been since extended to Scotland, the whole inquiry would not be completed till next year.

ARMY—CHAPLAINS.—QUESTION.

COLONEL STUART KNOX said, he would beg to ask the Secretary of State for War, Whether a reduction is about to be made in the Chaplain's Department of the Army, and if the Reverend Charles Craven has been selected to be placed on half-pay, he not being the junior; and, if so, on what ground the usual custom of the Service has been departed from?

MR. CARDWELL: It is true, Sir, that a reduction is about to be made in the chaplain's department of the Army, and that the Rev. Charles Craven has been selected to be placed on half-pay, he not being the junior; but it is not accurate to say that the usual custom of the service has been departed from. The usual custom of the service — and my duty—is, in consultation with the Chaplain General, to make such arrangements as I think most desirable for the public service.

ARMY—WEST KENT MILITIA. QUESTION.

MR. WHATMAN said, he would beg to ask the Secretary of State for War, Whether the West Kent Regiment of Militia, which met yesterday for the usual drill, has received final orders whether they are to proceed to Shorncliffe Camp or not; and, whether the additional expense caused by changing the first notice will be thrown on the officers or not? On Friday last Orders were sent to the head-quarters for the Regiment to march to Shorncliffe, and preparations were made for that purpose, when the order was suddenly changed. Regiments of Militia had not the advantage of a regular military organization, in respect to mess and various things, and, by the order being countermanded, much expense would be caused.

Mr. CARDWELL, in reply, said, he had the pleasure of informing the hon. Gentleman that the original order for the regiment to march would be carried into effect, and that no additional expense would be thrown upon the Officers by the change that had, in the first instance, been made.

INCLOSURE BILL.—QUESTION.

Mr. FAWCETT said, he would beg to ask the Secretary of State for the Home Department, What course he intends to take, in reference to the Inclosure Bill now before Parliament; and, whether the Government will consent to the appointment of a Select Committee to inquire into the general subject of Inclosures?

Mr. BRUCE said, in reply, that he was extremely anxious to meet the wishes of hon. Members interested in the Bill; but it did not appear expedient to him that, after the third reading had been fixed, the Bill should be re-committed, and inquired into by a Committee of the Whole House. At the same time, after the statements that had been made, it did seem very important that the subject should be inquired into, and the conduct of the Inclosure Commissioners cleared up. He would consent to a Select Committee to inquire—not into the whole subject—but into the administration of those acts in reference to the allotments for the poor; and if the hon. Gentleman would move for such a Committee, he would suspend the further progress of the Bill, on the understanding that the Bill should be expeditiously proceeded with, so that the Report might be made before the end of the Session, and that, if it should then be thought expedient, the third reading of the Bill should be carried.

Mr. FAWCETT gave notice that he would move for such a Committee, and would leave the House to decide what the terms of the reference should be.

HUDSON'S BAY COMPANY.—QUESTION.

Mr. ADDERLEY said, he would beg to ask the Under Secretary of State for the Colonies, If he will state to the House the general terms on which the Hudson's Bay Company have consented to surrender their government and territory?

Mr. MONSELL said, in answer to his right hon. Friend, he had to inform him that the Hudson's Bay Company had consented to surrender all their rights of territory and jurisdiction on condition of receiving £300,000 in money, about 50,000 acres about their posts, and one-twentieth of all land that might be laid out for settlement within the next fifty years. The surrender was not to come into operation until the Government and Parliament of the Dominion of Canada had accepted these terms, nor unless that assent should be signified within six months from the 9th of this month.

IRELAND—MAYNOOTH.—REPLY.

Mr. GLADSTONE: In reply, Sir, to a question put to me the other evening by the hon. Member for North Warwickshire (Mr. Newdegate) relative to the visitation of Maynooth, and a portion of which I was not then able to answer, I have to state that the last visitation of the College, under the Act of 1845, occurred in 1864-5. It was held on the 23rd of November, 1864, and the Report of that visitation was truly presented to the House, and ordered to be printed on the 13th of February, 1865, and forms No. 25 of the Parliamentary Papers of that year. Therefore, Sir, there is no Report with respect to which there has been any failure to lay before this House.

IRELAND—THE IRISH SOCIETY.

MOTION FOR A COMMISSION.

Mr. MAGUIRE said, he rose to move for the appointment of a Royal Commission to inquire into the manner in which the Irish Society administered their property in the North of Ireland. He ventured to say there were not 100 Members of the present Parliament who had any accurate idea of what the Irish Society was, or who could understand the nature of its relations with a portion of the North of Ireland. He might go further and say that, except in London, not only in all the rest of England and Scotland, but even in many parts of Ireland, there was no knowledge whatever of this society, or any proper understanding of its connection with the North of Ireland. Under these circumstances, he respectfully asked the attention of the House while he made his statement, in order to enable them to judge whether the Motion with which he should conclude was a reasonable one or otherwise. But before addressing himself to the immediate subject of his Notice he might express the reason of the change which he had made in it. He had intended to bring the question of the London companies before the House, including the Irish Society, but by some inadvertence on his part, he did not specifically mention the Irish Society. It was quite impossible, however, to bring forward the London companies without reference to the measures adopted in the time of James for parcelling out a large portion of Londonderry among several of these companies. But the more he inquired, the more he looked at the magnitude and diversified character of some of these companies, he felt less disposed to bring forward the general subject; and he had also been influenced to a certain extent by a conversation he held with an hon. Member on the other side, for whom he always entertained the very highest respect. An hon. Member had stated to him that some of his constituents had become rather apprehensive of the terms of his first Motion—that many of the representatives of those who originally acquired their property by confiscation were naturally apprehensive, if his Resolution was carried, it would more or less shake the security of their property. He deprecated all reference to these companies on the present occasion; but had he the opportunity of dealing with them, he could give ample reasons for regarding their estates as essentially different from private property, which he held to be sacred and inviolable. If it had any original defect it had been purged by the long line of succession; indeed, many of the gentlemen in the North of Ireland who held property originally derived from confiscation were among the very best patriots of that country, their ancestors being the most illustrious men Ireland ever produced. Therefore he now confined himself simply and entirely to the Irish Society, and he was glad the hon. Member for Galway (Mr. W. H. Gregory) had removed his Amendment from the Paper, so that, having to deal with a specific Resolution, he would endeavour so completely to establish its justice and sound policy that the House might adopt it unanimously. In order to understand what the Irish Society really was, he must take them back to the time of James I. He knew there was no more ticklish portion of Irish history than that which related to the confiscation of Ulster. He had his own feelings in regard to its policy and justice, but he left that controverted question to the consideration of the historical student. But, as a matter of fact, there were several counties in the North of Ireland confiscated by the Crown. James had shortly before come to the Throne, and he determined to signalize the event by planting these confiscated counties with settlers from England and Scotland. He looked about to see where he could get proper instruments for carrying out the scheme, which he regarded as at once patriotic and pious. Naturally, he looked to the Corporation of the City of London—which he styled the incomparable City—to assist him in planting a portion of Ulster. In order to arouse their attention and excite their cupidity, being an able penman and a sublime puffer, he sat down to write certain "motives and reasons for the plantation of Ulster." James, in fact, praised everything in the North of Ireland but the people. He and his predecessors had done their best to banish the original inhabitants to the mountains; but he praised everything else, animate and inanimate. He complimented the turf as good and wholesome; spoke of the abundance of the fish and their readiness to be caught. He told the Corporation of the incomparable City that the country was a terrestrial paradise; that it contained store of all things necessary for man's sustenance, so as not only to maintain its cultivators, but likewise to feed the incomparable City; that was an incitement to the aldermen. He told them that sheep would breed abundantly in Ireland, and that the nature of the soil was very wholesome. Hemp and flax, it was added, grew more naturally there than elsewhere; and it must be admitted that that natural production of the soil —hemp—was liberally employed for the pacification of Ireland by successive monarchs. Curiously enough, King James added that linen yarns and all stuffs made irom linen yarns, or flax, were finer there than could be obtained in any other part of the kingdom—which would show that manufacturing industry was not unknown in Ulster before the advent of the British Solomon. He described the country as very plentiful in wax and honey; and, no doubt, to attract the attention of the goldsmiths, he said—"There be also some good store of pearls upon the coast, especially in the river of Lough Foyle." Then the furrier was appealed to, for the King described the abundance of "fells"—red deer, foxes, sheep, lambs, rabbits, martens, squirrels, &c. As for the position of this part of the country for trade and commerce, the King wrote—

> "The coasts be ready for traffic with England and Scotland, and for supply of provisions from or to them; and do lie open and convenient for Spain and the Straits, and fittest and nearest to Newfoundland."

And he added—"the harbour of the river of Derry is exceedingly good." Now, one of the chief charges which he (Mr. Maguire) made against the Irish Society was this—that they had not carried out the intentions of the plantation so far as its trade and manufactures were regarded, and had not taken fair advantage of the mutual advantages described in the "motives and reasons" of King James. As in this important State Paper James said nothing of the people who were to be replaced by new races, it might be well to describe them in the language of a historian who wrote a history of Ireland some forty years before that time. Campion described the Irish as "frank, amorous, ireful, sufferable of paines infiniter, very glorious, excellent horsemen, delighted with wars"—and very well for England that this is true—"great almgivers, passing in hospitality." Not a bad description of a people, and with some alteration it might tolerably well represent their descendants of the present day. The Corporation seriously listened to the Royal tempter, but being a prudent race, they did not enter blindfold into the matter, but adopted the heroic expedient of appointing four of their number to go to Ireland and inquire into the real state of things. The four who went over were John Broad, goldsmith; Robert Tresswell, painter stainer; John Rowley, draper; and John Munns, mercer. I shall afterwards have to tell how the society treated a modern John Munns—probably a descendant of the courageous mercer. They left London amid dismal forebodings, amidst the tears and lamentations of their wives and families; but it is pleasant to learn that these excellent citizens were well treated by the barbarous people who were to be civilized by the Corporation of London, and that they returned safe and sound to make their report—which corroborated generally the statements of King James. The Corporation then appointed a committee of their body to enter into negotiations with the Privy Council on the part of the Crown. From that committee sprang the Irish Society, which was then, as it is now, a committee or branch of the Corporation of the City of London. The Irish Society was to consist of twenty-six discreet citizens—namely, one Governor, one Deputy Governor, and twenty-four assistants. The original vice of the society was that, from the time of James I. to the present day, all members did not remain in office long enough to acquire a knowledge of the affairs of the society. Twelve of the body went out of office every year; hence, as might be expected, perpetual inexperience and ignorance, and consequent blundering. Their knowledge of Ireland was, and is, derived through an annual visit or trip in the summer; and he would describe its character farther on. The county of Coleraine, afterwards the county of Londonderry, was handed over to the Irish Society for the purpose of being planted; and, in order to raise funds for that purpose, a certain sum of money—some £20,000—was levied on the twelve great companies, with which smaller companies were associated; and these companies received large tracts of land, the extent of which bore some proportion to their respective contributions. The Irish Society paid nothing whatever; but they reserved for their share, as the undivided portion; the City of Derry, the town of Coleraine, the fisheries of the

Bann and the Foyle, and some thousands of acres of land, which constituted the property given to them in trust, and which they admit they hold only as trustees. James had praised the society for the "flagrant zeal" with which they had entered into his pious views; but scarcely had they taken possession of their lands than the opinion of the King changed towards them. He had handed the property over to trustees for the object of the plantation, but he told them they had sought to administer it for their private benefit, and not for the public good. There were complaints from the Scotch and English settlers, as well as from the representatives of the Crown; and James sent Commissioners to Ireland, who reported against the undertakers who had received this property for public purposes. In 1624, the property was taken away from them, and, in 1637, they lost their charter, which was not restored to them until the reign of Charles II., in 1670. It was originally intended by the charter that a large portion of the land should be laid on to the City of Derry, and another large portion to the town of Coleraine, and that bog and waste land should not be included in that allocation. The land the City—or Corporation, for them—never received; and of the bog or waste they were shamefully plundered by the society. A portion of this so-called waste was known as the Sheriff's Mountain—between 200 and 300 Irish plantation acres in extent, and had been held by the Corporation of Derry for 200 years without question. In the year 1820 certain lands called "commons," which the Corporation of Derry held from the society, and on which they had made several public improvements, fell in; but the society refused a renewal of the lease unless on the condition that the Corporation surrendered all claim to the Sheriff's Mountain, and, in fact, took it in lease from them. They likewise raised the rent from £45 to more than £500, and deprived them of their property at the same time—thus damaging the body they were bound to protect to the amount of £1,000 a year. The main charge which he brought against the society was that, owing to mismanagement and the application to Ireland of principles that might, perhaps, very well apply to England, they had retarded the progress of the City of Derry. In 1733 they made this rule—that no determinable lease was to be renewed until within three years of its expiring. Those were no agricultural leases, but building leases in the City of Derry, and the consequence was that, when a deputation came over—there was always an annual deputation—in 1765, the City of Derry was crumbling into ruins. Alarmed at the sight, the deputation, at the head of which was Alderman Allsop, granted longer leases, and Derry dated its real prosperity from that time. Alderman Allsop's name was not honoured in the Corporation of London, but it was in Derry. The course then adopted saved Derry from extinction. A considerable portion of property thus passed out of the direct control of the society, but they retained another portion in their hands. Since then the people of Derry had made repeated demands for longer terms than the society were willing to give for houses, for villas, or for mills and factories; but though promises had been made that satisfaction would be given, these promises were constantly broken. He did not propose to go much into detail, or to enter into particular instances of wrong. But he might refer to the matter of the so-called 1,500 acres. These had been obtained by the Bishop of Derry, when the charter of the society was cancelled for their misconduct, and the Corporation of Derry, who could not resist a powerful prelate, were content to take this land on lease from the Bishop; but when the Bishop's successor refused to renew, the society, with the aid of the Corporation, went to law, the dispute ending in a compromise—the Bishop getting so much a year, and the society getting back their property, including their fisheries. But when the Corporation asked the society to restore the property which had been granted by charter to the city of Derry, the society defied them, and hold it to this hour. What could the Corporation do? They were powerless, and the society were powerful, with almost unlimited funds at their disposal. There was no use in resisting the society, for if they did not crush their opponent in Chancery, they did so in the House of Lords. The law costs of the society were enormous; they were as fond of law as aldermen were of turtle and champagne; but the taste was always indulged in at the expense of the people of Derry. In 1832 there were Royal Commissioners to inquire into the Corporations of England and Wales and of Ireland, and by both of these bodies the Irish Society was condemned; the one declaring that there was no shadow of reason why this control should be exercised by a corporation in London over a corporation in Ireland, and that such a control was inexpedient; while the report of the other body cited the wrongs done to the people of Derry, and recorded the fact that the utmost dissatisfaction was felt by them with the management of the Irish Society. As to their love of law, it appeared that in twenty-three years up to 1843 only £38,000, or one-fifth of the expenditure, had been appropriated to the purposes of the trust, while three-fifths, or £100,000, was expended in management, £27,500 having been spent on law alone. In 1854, there was a Royal Commission to inquire into the Corporation of London, and Judge Patteson, Mr. Labouchere (now Lord Taunton), and Sir George Lewis were members. A deputation came over from Derry and Coleraine, and was examined on oath before this Commission, giving evidence of the mismanagement of the Irish Society, that the society did not carry out the object of the trust, and that there was no necessity for its continuance. Upon this evidence the Commission declared that the Irish Society were merely trustees, and recommended that the society be dissolved, that the charter be abolished by Act of Parliament, and that the trust be handed over to the Lord Chancellor of Ireland, who would have power to make rules suited to the necessities of the time. This affirmed more than one principle. Besides establishing the entire unfitness of the Irish Society to hold this property as trustees, the Commissioners clearly pronounced against the management of so important a trust by an absentee body, who could know nothing practically of the country or its inhabitants. The Commissioners said they felt bound to express their opinion that great abuses existed no long time since in the administration of this trust property; and they reported that from 1818 down to 1847 the expenses of management had amounted to 60 per cent, or £133,900 out of £219,000. In a dispute with the Skinners' Company the Irish Society defended a suit in Chancery, on the ground that they were merely trustees of the property, and their contention was held to be good, both by the Court of Chancery and by the House of Lords. Under these circumstances, it must be assumed that they only held as trustees, and, therefore, no question as to the rights of property could arise. The Bill, which was passed by the House in 1849, for the conversion of leaseholds was strenuously opposed by the Irish Society, who refused ever since to act upon it; but, in 1854, the society received a fright, and they thereupon commenced to make promises of instant amendment.

"When the devil was sick, the devil a monk
would be;
When the devil got well, the devil a monk
was he."

The society went over to Ireland officially in order to hold a court in the City of Derry—an event that had not occurred since the time of King James. Alderman Humphrey, accompanied by the Deputy Governor, the secretary, and nineteen members of the society, opened the court in due form, in their official capacity, whereupon the Corporation of the City made a demand upon them, which was the main feature in the Motion he was about to make, to the effect that they should grant leases of such a term as would encourage persons to build factories, warehouses, and residences. The Irish Society took great credit for the flourishing condition of Ulster; but the only part of the country with which they had to do was that portion which was, unfortunately, under their control. The prime cause of the progress of Belfast was that building leases were granted upon fair terms, whereas the Irish Society had done all that in them lay to obstruct the progress of Derry by refusing to grant such leases. This fact was brought forcibly to their attention by the memorial presented to them by the corporation of the latter city. In Belfast no one would think of building factories except upon ground held in fee simple, or upon perpetual leases, whereas the Irish Society would never grant a lease longer than sixty-one years. It must not be forgotten that King James had held out a promise that Derry was to be the great seat of the linen manufacture, and that, therefore, the Irish Society were bound to do their best to encourage that manufacture. Well, in answer to the appeal of the Corporation, in 1856, the society gave a solemn assurance that the desire of the people of Derry should be satisfied, that leases for long terms of years should be granted, and that a system should be introduced under which renewals could be demanded as a right, in place of being prayed for as a favour. Upon this promise being made the gentlemen who composed the court in Derry were fêted by the people, and great enthusiasm and excitement prevailed in the city; but having crossed the Channel—and, perhaps, having been sea-sick on the passage—these gentlemen refused to fulfil their promises, on the ground that they had no power to make them, as a court could not be legally held out of London. He called that transaction a scandalous one. The policy of the society seemed to be against the increase of manufactures, and he would state facts to show reasons for his belief. In 1836, Mr. John Munn stated to the deputation from the society that he was anxious to establish the linen manufacture in Derry, but had a short lease, on which he could not build a factory. The society told him to buy an intermediate lease then existing, and thus become the direct tenant of the society, and promised, on his doing so, to extend his lease to sixty-one years. In the year 1838, another deputation went over and reported that Mr. Munn had bought up the intermediate lease for £2,700, and laid out from £7,000 to £8,000 on plant and machinery, and had established the linen manufacture, which gave a large amount of employment, and that it was necessary for them to give him an extended lease to make other improvements; and Mr. Babington, the solicitor, in 1854, stated before the Royal Commission that up to that moment the lease had never been granted. The society got so much ashamed that eventually they gave a lease either to the son or grandson of Mr. Munn. At a late dinner, in Belfast, Lord Lurgan read a few lines from a speech of the Lord Lieutenant, in favour of establishing manufactures in Ireland, which concluded by saying he trusted to see in that country an increase of that manufacturing element. He (Mr. Maguire) submitted that the policy of the society was opposed to the increase of manufactures in Ireland. When one entered Derry from the bridge he saw a pile of buildings which would do credit to any town in England; and when he found that in those buildings manufactures were carried on, he was inclined to conclude that the Irish Society could not be so bad, after all; but by letters from three different firms at Derry it was stated that the society did not act in a way calculated to promote the manufacturing interests of that town. The buildings to which he had referred were not erected under leave from the society. He did not mean to assert that there was any desire on the part of the society to retard the progress of manufactures on their property. He did not even suppose that they had any such wish, but he contended that the Corporation of London was not competent to conduct its municipal business and also to manage estates in Ireland. The ground on which the factory of M'Intyre & Co. was built in Derry was held under a fee-farm grant, and the society had nothing to do with it. It was stated that Sinclair & Co. held under a perpetuity lease, with which the society had nothing to do. What was said by Messrs. Tillie & Henderson established his case, that the society were the enemies of progress in Derry. In reply to a question respecting the owner of the land, it was said that it was at one time the land of the Irish Society, but had been let in perpetuity by the late Alderman Allsop, a Governor of the society, with a considerable portion of ground in the neighbourhood; and but for that fortunate circumstance they could not secure a site for works of such a permanent kind as would induce him to build there, and establish in Derry a branch of manufactures that is now paying £300,000 a year in wages. Messrs. Tillie & Henderson add these words—

> "It should be noticed that the worthy alderman above mentioned (Alderman Allsop) is now looked back to as the greatest benefactor Derry ever had, not excepting Governor Walker, although the members of the Irish Society do not care to have his name mentioned."

The society—and, indeed, the Corporation of London—were under the delusion that they were the greatest benefactors of the people of the North of Ireland, and that the feelings of the inhabitants of Derry were those of enthusiastic admiration and gratitude. And they persevered in holding that opinion up to the present hour, though it had been rudely dispelled on many occasions. In 1863, Mr. Cox, formerly Member for Finsbury, and who in that year was Deputy Governor of the society, visited Derry. No doubt he went there with the most beneficient intentions, and in the sincere belief that the society was a real benefactor to Ireland; but when he reached "Government House"—the building in which the local agent of the society resided—strong representations were made to him and his colleagues by the Corporation of Derry against the society's management. Mr. Cox heard what was said, and replied—"I have no idea of giving up the property of the Corporation to a parcel of fellows who come here snivelling." When Mr. Cox rose next morning he found himself famous. On every boarding and dead wall there were these words—"Cox is coming," and all the *gamins* of Derry repeated them. Some days afterwards Lord Carlisle, a nobleman who was very popular in Ireland, attended by invitation a dinner given by the Agricultural Society. Mr. Cox was there, and such was the disapprobation expressed on that occasion in reference to the Irish Society that Lord Clancarty had to interfere and ask the company to remember that the Lord Lieutenant was present. Mr. Cox had been evidently stung to the quick by the apparent ingratitude of those to whom, as he thought, the Corporation and people of Derry were under the deepest obligation. On a former occasion, in 1858, when Lord Eglinton was present, the boastfulness of Alderman Humphrey received a severe check. Not only did he assert, amidst hisses and other marks of disapprobation, that the Presbyterians owed everything to the society, but that the society were the best landlords of any country in the British Empire. In the Session of 1866, when Mr. Kennedy moved for Returns connected with the management of the Irish Society's estates, Lord Claud J. Hamilton, a son of the Marquess of Abercorn, said that the remedy for the evils complained of would be to abolish the charter and to sell the property, and appropriate the proceeds to pay the debts of Derry. On the same occasion an hon. Member, one of the Aldermen of the City of London, asked who complained of the society? Three weeks after a most influential meeting was held in Derry to answer that question. The principal persons who took part in that meeting were the descendants of the English and Scotch settlers. The first resolution was one passed in answer to the boastful challenge of the worthy Alderman, declaring that it was inconsistent with the fact, and that it did not represent the feelings of the people of Derry, whose indignation at being patronized by those good tradesmen in London Mr. Hamilton humorously expressed when he said that he objected to be called a native of the new Plantation of Ulster. "I object," said that Conservative gentleman, "if I take a little run in the summer vacation to Paris or Brussels, to meet a greasy-looking gentleman from Whitechapel or the Minories" [*Laughter*]—the words were Mr. Hamilton's, not his—"turned out black and shining from Moses', and to be told by him that he had a large property in the North of Hireland, in a place called Derry, and that his tenantry were an industrious, thriving set of fellows, quite remarkable for their intelligence; but that it was all owing to his own excellent management of his property and his liberality." The citizens of Derry were, he might add, about the most intelligent in Ireland, while the members of its Corporation were inferior neither intellectually nor morally to the members of the Corporation of London. What right, then, had the latter to exercise so great a control as they did over Derry and its inhabitants? One speaker, on the occasion to which he was referring, alluded to gentlemen coming over from London to give them lectures on self-reliance, for which they objected to pay, especially as those gentlemen did not do much for them in the way of incentive to practise the virtue which they preached. Some time since, he might add, a member of a deputation published a record of the visit of the Irish Society to Ireland, only six pages of which were devoted to the proceedings of the society, the rest being all about himself. It cost a considerable sum of money, and was, no doubt, a very admirable performance; but then it was, unfortunately, likely to be more gratifying to his wife and children than beneficial to the country. Mr. Haslett described a conversation which a friend of his had with some gentleman in London who wished to take a trip to Ireland. He asked him if he had ever been in Ireland. "Oh, no," replied the other, "but I intend to get on the Irish Society and make a journey over there. Do they speak Irish? I do not speak Irish, but my daughter speaks French." "And had they not a famous siege there?" asked the intelligent gentleman. "Oh, yes, and the people of Derry are very proud of it, too." "Oh, aye, I remember—in the time of John." The position of the citizens of Derry and their relation to the Irish Society was well put by one of the speakers at the public meeting of May, 1866, the meeting called into existence by the boastful query of the worthy Alderman; Mr. Isaac Colquhoun used these words—

> "I would illustrate our connection with the Irish Society as similar to the case of a minor and guardian or trustee. So long as a child is under age, and by the law incapable of managing his property, it is vested in trustees, but when he arrives at maturity his property is handed over for his own management. We have now been governed by the London Corporation and the Governor and Deputy Governor of the Irish Society and their assistants for about 250 years; aud surely, if ever our governors were to be saved the trouble and responsibility of the trusts, it should be now that we have arrived at full maturity."

It appeared that the citizens of Derry were in the habit of being very civil to those gentlemen when they went over from London to visit them. They were invited to dinners and compliments were passed them; and when they returned to London they very naturally said they were delighted with their visit, and prided themselves as being benefactors of the country. The advice which was in consequence given to the people of Derry by Dr. Brown was to be cold and repellent in their reception of such visitors in future, so as to give them no cause for labouring under so great a delusion. This was the answer given, little more than two years since, of the leading inhabitants of Derry—representing, as one speaker said, the intelligence, the energy and the wealth of the town—to those who affect to think that the Irish Society is regarded with favour or affection by those whom they patronize and protect. The hon. Gentleman then referred to the testimony of a Mr. Wright Knox, and others, to show that, so far as the general feeling of the inhabitants of Coleraine were concerned, they were of opinion that the influence of the society, instead of being beneficial, was injurious to that town, Mr. Knox stating that he could not recall to his recollection a single instance in which they gave the slightest encouragement to any improvement. It might, perhaps, be urged that these gentlemen had turned over a new leaf, and were not so extravagant as formerly. The answer was that they had been shamed out of their old extravagance, although their present management cost about 40 per cent. It might be said, again, that these gentlemen gave a great deal of money for the maintenance of schools and charitable purposes. But where, he would ask, were the 700 acres that were intended for the foundation of a College? They could never be found. Then they were bound by their charter to build quays and make other improvements, which, however, they never did. All these gentlemen might have been as benevolent as Mr. Cox, and all of them might have gone over to Ireland with the best possible intention, but nevertheless they were quite out of date. Derry was a splendid flax-growing country, and was inhabited by a peaceable and orderly population. [Mr. Alderman W. Lawrence: Hear, hear.] The people were intelligent, and knew what was good for them; and, moreover, they were among the stuanchest supporters of the British connection. [Mr. Alderman W. Lawrence: Hear.] Well, as a Catholic Member of the House he was himself strongly in favour of the British connection. He believed, indeed, that Irishmen could govern Ireland better than Englishmen; and in believing and saying this he did not regard himself as a rebel or a traitor, but he had always been in favour of what O'Connell styled the golden link of the Crown connecting the two countries. If the people of Derry were so capable of managing their own affairs, was it not time they should be allowed to do so? They did not want their affairs to be managed by a body of gentlemen calling themselves the Honourable Irish Society, however respectable those gentlemen might be. He himself was acquainted with the late secretary of the society, a most benevolent individual, who had many virtues, and two marked characteristics—the most profound love of old crusty port, and an equally profound hatred of the Pope of Rome. All he wanted was that the City of Derry should be allowed to make its future for itself, and he trusted the House would ratify the decision of the Royal Commission of 1854. By doing so he believed the House would earn the gratitude of an industrious and loyal people. In conclusion, he moved that an humble Address be presented to her Majesty, praying that She would be graciously pleased to issue a Royal Commission to inquire into the manner in which the Irish Society administer the property which—according to their own admission in their law suit with the Skinner's company—they hold as trustees for the benefit of their trust; and to consider whether, under a totally different state of circumstances from those in which the Society had its origin, it would not be advisable to carry into effect the recommendations of the Royal Commission of 1854 on the Corporation of London, that the Irish Society should be abolished; and to advise such other arrangements as would be most in harmony with existing circumstances, and most conducive to the public advantage.

MR. SERJEANT DOWSE seconded the Motion.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue a Royal Commission to inquire into the manner in which the Irish Society administer the property which, according to their own admission in their law suit with the Skinners' Company, they hold as trustees for the benefit of their trust; and to consider whether, under a totally different state of circumstances from those in which the Society had their origin, it would not be advisable to carry into effect the recommendation of the Royal Commission of 1854 on the Corporation of London, that the Irish Society should be abolished; and to advise such other arrangements as would be most in harmony with existing circumstances, and most conducive to the public advantage."—(*Mr. Maguire.*)

MR. ALDERMAN W. LAWRENCE said, it seemed necessary for a new Parliament to have a debate upon the Irish Society. Many hon. Members would remember last Session a debate very similar to the present, though it was raised on a very dissimilar Motion, made by Mr. Kennedy, then Member for Louth, and seconded by Lord Claud John Hamilton, then Member for Londonderry. Neither of those hon. Gentlemen, however, now had a seat in the House, and consequently they would have no opportunity of further elucidating the subject on the present occasion. In December last, the hon. Member for

Cork (Mr. Maguire) placed the following Notice on the Paper:—

"London Companies' Estates in Ireland,—Select Committee to inquire into the management of the Irish Estates of certain London Companies, with a view to consider whether, in these times and under existing circumstances, it might not be advisable for the public interest to recommend the annulling of the charters of the said London Companies, and the sale of their estates, with the right of preemption to the occupying tenants."

The second Notice of the hon. Gentleman, given on the 16th of February, was to the same effect, except that he proposed to substitute a Royal Commission for a Select Committee. The third Notice, now under consideration, was no doubt given in consequence of the advice of the learned Serjeant on his left (Mr. Serjeant Dowse) with respect to interfering with the estates of the London companies, and thereby unsettling all the rights of property in the North of Ireland. The Notice now under discussion was to have been brought forward on the 9th of March, but on the 6th the hon. Gentleman sent to *The Times* a letter, which appeared in that journal on the 8th of that month. It was in these terms—

"To the Editor of *The Times*.

"Sir,—Permit me the opportunity of stating through *The Times* that on yesterday (Friday) I postponed to an early day the Notice of Motion standing in my name for the 9th, and that I did so at the request of Mr. Serjeant Dowse, Member for Londonderry, who is professionally engaged on circuit, and is to be entertained by his constituents on Thursday, the 11th inst.

"I would wish also to state, for the convenience of those interested in my Motion, that I have determined to confine myself exclusively to the 'Irish Society' and its trust, and that I do not intend, at present at least, to deal with the London companies, to and by which the 'Irish Society' parcelled out so large a portion of the county of Derry. I had always intended to include the 'Irish Society' in my Motion, but, through some inadvertence, of which I was not conscious at the time, I did not mention it specially in the Notice which I handed to the clerk.

"Trusting you will excuse this trespass on your space, I have the honour to be, Sir, your obedient servant, "JOHN FRANCIS MAGUIRE.

"21, Bessborough Gardens, S. W.,
"Saturday, March 6."

Hon. Members would thus perceive the gradual growth of the present Motion. It was very rarely indeed that the gentlemen of the South of Ireland ventured into the northern part of that country; but his hon. Friend had made an excursion to the North, when he had lost no opportunity of letting it be known that he was present there. In America such a trip would be called a "stumping" one, but he would only say that his hon. Friend went grievance-gathering; and an advertisement was inserted, he presumed by his hon. Friend's direction, in the *Derry Journal.* [Mr. MAGUIRE: No.] The advertisement had no signature; it appeared in the *Derry Journal* of January 6, 1869, and was as follows:—

THE LONDON COMPANIES IN THE COUNTY OF LONDONDERRY, AND THE LAND QUESTION.

MR. MAGUIRE, M.P., has given notice that, on the meeting of Parliament in February next, he will move for a Select Committee of the House to inquire into the management of the Estates of certain London Companies.

As the present Government are pledged to bring in a good Land Bill, the Tenants of the London Companies should get up all the information they can to enable Mr. Maguire to bring *their case* specially before the House. Much has already been done by the Memorials of the Magherafelt people to open the eyes of the English and Scotch Members, to the grievances of the Company's Tenants, in not getting what the Crown originally intended they should get—namely, Perpetuity Leases, at Moderate Rents.

The Companies are now swallowing up the Tenant-right by increased Rents, and draining £100,000 a year out of the County to be spent in London—thus realizing the worst features of absenteeism.

The Tenants on these Estates have a right to ask now for that which has been so long denied them, and, if they ask for it, Parliament will give them redress.

The Government have the power, and, it is believed, the will, to buy up the interest of the Companies and give the Tenants Perpetuity Leases on paying a small sum for interest on the money advanced. It is well known that this is Mr. Bright's plan, who is now a leading Member of the Cabinet. Thirty-five years would thus make all the Company's Tenants Owners in Perpetuity, Free of Rent for Ever. This plan would be similar to the lending of money by the Board of Works, that is to say, thirty-five years to pay back both the principal and interest.

For example, if the purchase money of a Tenant's farm would come to £300, and if the Treasury advanced that sum to pay the Company, the Tenant could repay the Treasury both principal and interest by paying an instalment of £15 each November for thirty-five years, and he would have his Rent to assist him in making up this sum. In nearly every case the present Rent would pay the yearly instalment.

The matter is now taken up in Parliament by a Member from the South of Ireland, as the Members for Derry would not do it; but, on the contrary, they did all in their power in May, 1867, to oppose and defeat the Memorial of the Tenants of Magherafelt. The Estate of the Marquess of Waterford was originally the property of one of the London Companies, and is now about to be Sold in the Landed Estates Court. The Tenants on this Estate should Petition Parliament to advance the money to purchase up the Property, and a Memorial addressed to Her Majesty's Lords of the Treasury on the subject, will receive great consideration.

Mr. Maguire requires full information from all the districts of the County; and any information or correspondence addressed to Mr. Glover, Solicitor, Magherafelt, will be immediately attended to, and received with thanks. Every Tenant should now be at work, and give every information in his power.

21st December, 1868.

He (Mr. Alderman Lawrence) thought he had now shown how that Motion for a Royal Commission had assumed its present shape. His hon. Friend had described the first arrangement between the Crown and the Corporation with respect to the plantation of Ulster; but he had said nothing about the O'Neils, the Tyrones, and others, who, having been in rebellion, were driven into the woods and wilds; and the country being in a state of devastation and ruin, it became necessary that some parties should be found who would bring it into cultivation. It was true that the charter of the Corporation had been seized by the Star Chamber, and they were mulcted in £70,000; but they afterwards had the charter restored, and they paid £10,000 to free them from that charge of £70,000. He did not, wish, however, to go back so far into history, and he was surprised that the hon. Gentleman had done so; but it must be admitted that the Irish Society had succeeded, by means of the London companies advancing money, in bringing the northern part of Ireland into a state of cultivation and of prosperous industry. Great misapprehension prevailed in regard to the Irish Society. The Motion before the House was ambiguously drawn; it said the Irish Society were simply trustees, and had not fulfilled their trust; and throughout his speech his hon. Friend had carefully guarded himself from saying what the Irish Society's trust was, and for whom they acted as trustees. He entirely differed from his hon. Friend's opinion that the Irish Society had been of no benefit to the North of Ireland. With respect to the 1,500 acres of land called the Sheriff's Mountain, about 150 years ago the Bishop of Derry managed to get hold of those 1,500 acres, and he let them at a cheap rent to the Corporation of Derry. That land belonged to the Irish Society, who were kept in ignorance on the matter; but when the Corporation of Derry sought to obtain a renewal of their lease on the same terms the Bishop wanted higher terms; whereupon the Corporation informed against the Bishop and laid the transaction before the Irish Society, who came again into possession of their lands and recompensed the Corporation of Derry. That was the history of the transaction. The Irish Society had at all times been placed in a most difficult position. [Mr. MAGUIRE: Hear, hear!] Its organization was exactly the same now as it was at first. The Governor must be an Alderman, and is elected annually by the Court of Common Council, in open court, while the Deputy Governor, who is not an Alderman, is elected for one year only by the Irish Society, and approved by the Common Council. So that the Governor can at any time be called to account if he have not acted impartially and in accordance with his duty. The original charter was granted by James I.; it was seized by the Star Chamber in the reign of Charles I., a fresh charter was granted by Charles II., and under the latter charter the society now acted. In 1613 the lands were divided into twelve portions, and the twelve London livery companies each drew by lot for a portion; but the Cities of Londonderry and Coleraine and the fisheries and the townlands were declared to be indivisible, and were not divided on that occasion. Several of the companies had sold their allotments—the Haberdashers' Company sold theirs to the Beresford family, the Goldsmiths' Company sold theirs to the Earl of Shelburne, and the Vintners' sold theirs to Mr. Conolly, but most of the City companies still retained the apportionments allotted them. The Irish Society devoted for some time nearly the whole of the proceeds of the rents of the towns and fisheries to improvements in Londonderry and Coleraine. At one time there was a division of what was called a surplus among the companies; but some thirty years back the Irish Society decided that they would carry out greater improvements at Londonderry and Coleraine and not divide for the present any further sum among the City companies. Then in the year 1838 a lawsuit occurred with the Skinners' Company; and by the judgment of the House of Lords on appeal it was distinctly stated that the Irish Society held a trust for public as well as for private purposes; that there was no power (except the Crown and the Corporation of the City of London) to call them to account for carrying out their trust, and that they themselves were the judges of the mode in which they should carry it out; and that it rested upon their discretion how far they would expend the surplus rents on improvements in the towns of Londonderry and Coleraine. What had been the result? Why, that Londonderry from that time had increased enormously, and had been immensely improved. It was said it had not advanced at the same rate as Belfast. But the situation of the two cities was very different, the distance of Belfast from Liverpool being 158 miles, while that of Londonderry was 245 miles from that port. The Irish Society had greatly promoted the improvements which had been carried out in Londonderry. They had contributed £3,000 to the waterworks, so as to enable the Corporation of Derry to supply the inhabitants with water free from charge; they had granted a sum of £10,000 to the Bridge Commissioners, to be paid at the rate of £1,000 a year, for freeing the bridge from toll; and, when in 1864 the Corporation of Derry had obtained an Act of Parliament to make new streets and other improvements, the Irish Society not only gave the land required for the new street, but contributed £5,000 towards the improvements, and also £1,000 towards the new market. They had, in order to develop the trade of the port, aided the Port and Harbour Commissioners by grants amounting to £7,000 since 1857, towards the formation of the various quays, the graving dock, the tidal basin, the patent slip, and other improvements in the harbour. And they had subscribed £1,000 towards the Magee College, and endowed there a chair of Natural Philosophy, with £250 a year, besides giving £250 a year towards the general expenses. They had also recently founded a commercial school at Foyle College, with five exhibitions of £50 each to Trinity College, Dublin, and had contributed to a large number of schools and educational establishments. It was a principle of the Irish Society not to carry out any of the improvements themselves, but to advance money for the purpose, and to insist that the works should be constructed in the most thorough and effectual manner. It was true the Irish Society was a shifting body, as it always had been since its creation; but after full consideration of the subject, having himself been a member more than once, he had come to the conclusion that it was for the interest of Ireland that the society should not be a permanent body. A small body constituted as the Irish Society was, if permanent, would be very open to jobbery. He had watched the speech of the hon. Gentleman, and he had never once hinted that during the long-continued control of the Irish Society its members had in any way jobbed either for their own benefit or for that of their families. It was true, as the hon. Gentleman had stated, that the members of the society go over to Ireland, inspect the various improvements that are being carried on, receive deputations, and after the business had been completed, perhaps, make a short trip through the country. But he forgot to add that this was at their own expense. And it was for the interest of Ireland that a large number of persons connected with England should visit it, and anything that could induce a greater stream of English gentlemen, even if they were London tradesmen—though that was sometimes received with a sneer, but he would not further allude to the matter—could not but contribute to the advantage of both countries. It was true the trades had changed in Londonderry. There was once a very active trade there known as that of "sewed muslin," which had been superseded; but even his hon. Friend had alluded to the large factories occupying so prominent a position in Derry which employed several thousand hands in the manufacture of shirts. He had himself been delighted to visit one factory in which 400 sewing machines, all worked by steam power, were employed in a manner that reflected great credit on the enterprize and energy of those who conducted it. He felt confident that the Irish Society never wished to engross the credit of the great improvements that had been made in Londonderry, the population of which had increased from 14,000 in 1841 to 20,500 in 1861, and was now estimated at 24,000. Coleraine had been alluded to, and it had been asked why the improvement in its condition had not been as great as in Londonderry? But it should be borne in mind that the River Bann was very different from the Foyle, which was a magnificent river thirty-one feet deep at high water, and from twelve to fourteen at low water, and that vessels of large size could come up to the quays. The Bann, on the other hand, had a bar at its mouth, which impeded the navigation, but great works were now being prosecuted for its removal, and the Irish Society had voted £10,000 for that purpose, to be given in sums of £1,000 a year. The people, however, who were most interested in the works, and who had raised money by debentures for carrying them on, preferred that the society should pay down £3,000 at once, perhaps thinking that if the works were advancing successfully they could come to the society again. The Irish Society had expended £2,500 in erecting the town hall of Coleraine, and had recently built extensive schools and teachers' residences, at a cost of nearly £4,000, for the education of 400 children free of charge, and he (Mr. Alderman Lawrence) had had much pleasure in being present at the opening of these schools in the summer of 1868; the society had also contributed £1,000 and £200 a year to the Coleraine Academical Institution. There was one great advantage connected with those places, which his hon. Friend had thrown in parenthetically, but which he thought worthy of more prominent mention, and that was that peace and order were to be found there, security and quiet possession were enjoyed by the owners of property—advantages not to be found in every part of Ireland at the present moment. Well, that order and security had been in a great measure created by the connection between those two places and the City of London. It was often said that the Corporation of London reaped great advantages from these large estates and these towns. But the Corporation of the City of London proper had never advanced one shilling for the estates or for carrying the improvements into effect, nor had it ever received one shilling profit therefrom; it was the London companies who had been assessed by the City of London for these purposes; and the arrangement between the Crown and Corporation was to this effect, that while the companies should find the money the Corporation should regulate the government of the estates. It was in no niggardly spirit of making profit that the engagement was undertaken by the City of London. There was no question of gain with the Irish Society — they were merely trustees for carrying out a great trust not for their personal benefit, but to promote the prosperity of the North of Ireland. The Irish Society, therefore, could not be charged with interested motives—they worked in the most unselfish spirit. The hon. Gentleman had moved for a Royal Commission on the ground that there were complaints against the society; but he did not state that those complaints had come from any official body in Ireland. Complaints might be made against any body of men, no matter how faithful to their trust; and when it was said that if the management of the society was good they would have nothing to fear from a Royal Commission, that seemed to him very much like the consolation of a lawyer to a man put on his trial, that as he was innocent he need not be concerned about the result, for a trial would only clear up his innocence at once and for ever. But the Irish Society and those who made the complaints were not on a footing of equality, and he strongly objected to the granting of a Royal Commission of Inquiry in their case. His experience led him to believe that no specific charges could be brought, and that the whole of the opposition to the society consisted of indefinite grumbling. He should like, therefore, to hear from the Chief Secretary for Ireland whether any complaints had reached him as to the mode and manner in which the Irish Society had exercised their trust. No such complaints he believed had ever been made, and if there had been any they had certainly not been transmitted by him to the Irish Society, who were the parties most directly interested in the matter. This being so, it was certainly placing the society in a false position for the hon. Member for Cork to come down to the House and make charges against it which had until that night not even been mentioned, and upon the faith of these charges to ask the House to grant a Royal Commission. The defenders of the society could not be expected adequately to reply to such accusations, made suddenly and without warning. Much had been said respecting the merits of perpetuity leases, and he was ready to meet the arguments based upon that system at once. He had no hesitation in declaring boldly that perpetuity leases, whether in Ireland or elsewhere, were a curse, rather than a blessing. The only effect of such leases was to divorce the landlord from the land, to take away any interest he might have in the management and improvement of the estate, and to prevent him exercising that control over its cultivation which was most beneficial both for the landlord and tenant. In the town of Derry, for instance, the stranger would come upon dilapidated buildings, and if he asked for information upon the subject he would most likely be told that they were the result of the management of the Irish Society, whereas the real truth was that they were the result of perpetuity leases, over which the society had no control. In fact, the perpetuity leases might be picked out by the tumble-down houses and dilapidated homesteads which characterized that holding. There could be no greater mistake than to imagine that perpetuity leases contributed to the improvement of a holding. It was perfectly correct to say that the Irish Society would not grant perpetuity leases; but, at the same time, it was only right to mention that they had no stated rule for restricting the number of years of a lease. They had been in the habit of granting them for so long a period as eighty years, and were prepared still to grant them for long periods should a case be made out making it desirable to do so. It was the custom of those representing the society in Ireland to hear deputations courteously, but never to grant the requests made or carry out any resolution whatever before their recommendations had been reviewed by the chamber in England. This prevented their being overcome by the urbanity of their Irish suitors. He felt that this was no ordinary Motion. He felt that if the Government agreed to it at the present time its effect would be very much to prevent the progress of those improvements which were now being carried out so successfully under the auspices of the society. Confidence would be shaken in the society, and people would be apt to imagine that it would not long remain a permanent body. Moreover, the carrying of such a Motion just now would excite undue hopes, not only among the tenantry of the Irish Society but among the tenants of the livery companies and of the landed gentry having estates in the neighbourhood.

At present even the one idea of the tenants of the district was to become possessed of the land beyond the control of the landlord. He maintained that before the Irish Society was placed upon its trial, as was proposed by this Motion, it should be asked to give explanations respecting its management. The Irish Society was not afraid of inquiry; it was ready, as it always had been, to make a full disclosure of its affairs and defend its expenditure, which had occasionally been augmented by law charges incurred in defence of its rights. The explanation of those expenses was that for centuries the society had been obliged to defend its rights in courts of law—rights which had been assailed by persons who happened to have the money necessary for raising such actions. For instance, the income from the salmon fisheries of the Bann and the Foyle fell from £1,000 a year to about half that sum through the depredations of poachers, and the society had to prosecute. Now poachers in the case of Irish fisheries were not of the class of English poachers of game; they were men of wealth, and when prosecuted they contested the right of the society to the exclusive possession of the salmon. Sometimes the society hit a friend and sometimes a foe. Once they prosecuted an hon. Baronet opposite (Sir Hervey Bruce), who thought he had a right to plant a few stakes in the river. Expense, then, had been incurred in this way, but the revenue from the fisheries had risen to something like £4,000 a year. Another heavy expense arose in connection with the fort and lands of Culmore. It had been part of the original arrangement between the society and the Crown that the society should pay the Governor of Culmore £200 a year, besides allowing him to enjoy the lands in the vicinity of the fort, consisting of about 300 acres which were vested in the society, the Crown appointing the Governor. In 1690 the fort was in ruins, and when Colonel Michelmore asked the society to recommend him for the appointment, the society concluded that a ruined fort needed no governor, and petitioned the Crown accordingly. Still, down to very recent times, there had been a Governor of Culmore Fort appointed by the Crown who had received £200 a year from the society and enjoyed the 300 acres of land without even being required to know the geographical position of Culmore. In 1856 the Earl of Strafford, the last holder of the sinecure, being old and infirm, he (Mr. Alderman Lawrence) with other members of the society waited on Lord Palmerston then Prime Minister. Need he say the deputation was received most courteously. Lord Palmerston heard their case with great patience, and although he could not, of course, commit himself to the society's view of the matter, he promised to give special attention to the whole subject. His manner was so frank and courteous that the deputation feared the result; but in 1860, when the Earl of Strafford died, the Governorship of Culmore was put an end to, and the society was thus saved its £200 a year. But what of the lands? The Government drove a bargain with the Irish Society to pay £12,000 for them to the Commissioners of Her Majesty's Woods and Forests and Land Revenues. In order to pay that sum the Irish Society had to borrow money, and now they were indebted to that amount. The inhabitants of Londonderry had an idea that those lands did not belong to the Crown; and his own view was they were really a portion of the tract of land originally allotted by the Crown to the Irish Society, and that these 300 acres which had never ceased to be vested in the Irish Society together with £200 a year of the society's money were apportioned to maintain the Governor of Culmore Fort for the security of the town the Crown having the power to appoint the Governor, but having no right to any part of the lands. The Irish Society were most glad to get rid of the Governor, not on account solely of the £200 a year paid to him, but because the whole place was going to wrack and ruin; and since then they had constructed new waterworks for the town of Culmore, had built large schools, had contributed to the building of a church, had embanked the river, and were building a pier for steamers. The whole place wore a different aspect since the Governor had been removed, and the Irish Society had been able to carry out their plans, which they had been waiting to do for 150 years, and never had the opportunity until Lord Palmerston refused to renew the appointment of Governor of Culmore Fort. The Irish Society had always used their utmost endeavours to promote the prosperity of

Londonderry and Coleraine. At the present time steamers leave the Foyle once a week for Canada and once a week for New York, and twice a week for Liverpool, for Glasgow, for Morecambe, and for Belfast, returning an equal number of times from these places, and the whole of Londonderry was bustling with trade. There was the greatest difference between the aspect of the place now and that which it presented thirty years ago. This, therefore, was not the time to issue a Commission of Inquiry upon the random Motion of a Member from the South of Ireland. As to the sneer that the society was composed of traders, and that the people of Derry and Coleraine could do much better without the society's control, let it be remembered that the society spent six-sevenths of its income in Ireland, and by so doing had aroused the jealousy of the neighbouring landowners, because the Irish Society had acted as a spur upon them, and caused them to make improvements, which they would not otherwise have done. These gentlemen very naturally said—"It is all very well for you (the Irish Society) to spend all your money upon improving your estates; but we, who are simply landed proprietors, have to support ourselves and our wives and families out of the produce of our lands, and we cannot therefore afford to lay out so much capital upon our estates as you can upon yours." The Irish Society hit hard in many ways, and did not expect to receive honour in all directions; but they were satisfied with the result of their labours. Any one who compared Londonderry and Coleraine with what they were twelve years ago would be surprised by their rapid progress; and that was to be attributed to the enterprize and activity of the merchants of Derry and Coleraine, aided, in every way, by the Irish Society. These men were the descendants of those who, at great cost, had preserved order and peace in the district; and if similar peace and order could be introduced into the South of Ireland that would be better than attempting to teach the people of the North of Ireland what they could obtain from the Corporation of the City of London. The hon. Gentleman who had brought the matter forward might have found a much better field for his exertions in the work of preventing scenes of riot, disorder, and rowdyism which occasionally occurred in a district with which the hon. Member was well acquainted. He called upon the Government not to be led away into attempting to deal impartially between two parties, one complaining and the other refusing, as if there was any equality between the Irish Society and the gentlemen from the South of Ireland.

MR. SERJEANT DOWSE, as Member for the City of Londonderry, was most intimately connected with this subject, and he had great pleasure in supporting the Motion so temperately brought forward by the hon. Member for Cork. He believed that the time for inaction had passed, and that the time for action or at least inquiry had come. It was necessary to notice one or two points connected with the history of the Irish Society. When King James made up his mind to ask the City of London to help him in colonizing a considerable portion of Ulster, the City wisely inquired what facilities there were for colonization, and whether it would be wise and prudent to accede to the request? The result was a meeting between the Lords of the Privy Council and a number of the Common Council, and an agreement was drawn up by which the City undertook to encourage the plantation of a considerable portion of Ulster. Ultimately a charter was granted by the King, which was subsequently recalled by another King, which charter was again re-granted by the Protector, and ultimately Charles II. granted the charter of the 11th of January, in the eighteenth year of his reign, which was the present title-deed of the Irish Society. According to that charter, the society was formed for furthering the plantation which King James projected in Ulster, and for the better ordering, directing, and governing all manner of things for and concerning the said City and citizens of Londonderry, and the county of Londonderry, and the plantation to be made within the same, and the other businesses belonging to the same. He would say that, as a matter of law, the charter in itself imposed a trust upon the Corporation of London. This view was fully borne out by the decision given by the late Lord Lyndhurst, in a suit brought at the instance of the Skinners' Company against the Irish Society for an account, on the ground that the Irish Society was a trustee for the Skinners' Company among other London companies. The defence then urged was that the Irish Society were trustees not for the London companies, but for public objects; and on that plea the London companies were defeated, the decision receiving additional weight from the concurrence of Lord Campbell, Lord Langdale, and Lord Cottenham. The ultimate result of the decision was that the Irish Society were declared to be trustees for public objects, and that, after having satisfied these public objects within their discretion, the surplus ought to go to the London companies. But the Commissioners appointed to inquire into the affairs of the society, two of whom were Mr. Justice Patteson and Sir George Lewis, in their report said that if the Irish Society discharged their duties to the people with whom they were brought into privity and contact, it was utterly impossible that there should be any surplus at all. The objects for which they were trustees were so vast and various that they could never be satisfied by the funds at their disposal. The hon. Gentleman who had just sat down had said that no complaints had been made from Derry. This, however, he denied, for he himself was an incarnate complaint against the conduct of the society. He had been sent to Parliament for two purposes — amongst others to assist, first, in disendowing and disestablishing the Irish Church, and, secondly, to assist in disestablishing and disendowing the Irish Society; and though, as far as he was personally concerned, he would have been satisfied to postpone the lesser subject for a Session, no feeling of jealousy should induce him to withhold his support from the Motion of his hon. Friend the Member for Cork. Now, the very constitution of the society was radically bad and defective. The society consisted of a Governor, a Deputy Governor, and twenty-four assistants. Of these the governorship only was a life office, as was also that of secretary. Of the twenty-four assistants twelve retired every year, so that, as had been truly said, a man no sooner began to understand the business which came under his management than it was withdrawn from his control. But this shortness of office did not, as the hon. Gentleman who had just spoken seemed to imagine, put jobbery out of the power of the assistants; it only gave them less time in which to perpetrate it. If they held their offices for life, they might job more leisurely, instead of hurrying over it as they were now compelled to do. Indeed, it appeared to be nothing short of a race for the Irish Society stakes, to be run within two years from the day of appointment to office. The result of this short tenure of office was, also, that the Governor and the secretary were absolute monarchs of the society. The Governor for the time being had the business almost entirely in his own hands; and, indeed, in former days, whenever a vacancy occurred in Derry or Coleraine, a resolution was almost invariably passed, advising the Governor to contest the seat, and to this resolution was invariably added a very agreeable rider—that the contest should be carried on at some one else's expense. But the society had so mismanaged their affairs that no one now-a-days could possibly stand a worse chance. Another reason, too, operated upon the people of Derry. They believed that a fluctuating body like the Irish Society was also open to the objection that the new members were enabled to disregard the pledges made by their predecessors. A citizen of Derry coming to London would see strangers, instead of the old familiar faces. When the members of the Irish Society were told of what the inhabitants of Derry had been promised, they said—"You are under a mistake. It was Jones, not Smith, who made that promise, and we cannot be bound by it." Now, if the society were a permanent body, possessing a knowledge of the locality, and of the wants, feelings, and interests of the people, such an excuse would not be possible. Another reason why the people of Derry regarded the Irish Society as totally unfit to discharge its duties was the absence of any proper guarantee for the selection of the best men to serve upon it. He did not wish to say a word against the City of London — for one reason, because all its Members sat on that side of the House, and also for the good service it had always done to the cause of civil and religious liberty; but its Common Council was not exactly an assembly of Solons, though probably the duty of consuming any surplus was one which they were eminently qualified to discharge. No doubt there were in the society men fit to manage the affairs of any corporation, and among them his hon. Friend (Mr. Reed); but it by no means followed that the first twenty-four men taken from the Common Council would be the best men to discharge these duties. A deputation frequently visited Derry. That was right and proper enough—first, that the deputation might improve the people of Derry, and next that they might improve themselves—and they were more likely to get improvement than to bring it. The deputation met men of all classes and opinions, because on this question the citizens, whether Liberal or Conservative, were as one; they promised to do all that was good in the future, but when they returned to London they forgot all their promises. The Irish Society was an exception to the rule—

> "Cœlum, non animum, mutant qui trans mare currunt;"

for when in Derry they were bursting with liberality, but in London they changed their minds, and the old Adam became too strong for them. In 1856 the Mayor, Aldermen, and burgesses of Derry presented a memorial to the society which stated the case *in minimis.* Notwithstanding, they said, the peculiar local advantages enjoyed by Derry, situated on the banks of a navigable river, and in the centre of rich and cultivated soil, inhabited by a peaceful and industrious peasantry, the City had not kept pace with others less favourably situated, and this was attributable not to the want of enterprize or the influence of race, but to the want of such a tenure of land as would encourage the investment of capital, particularly in manufacturing works. Through the liberality of Lord Donegal in granting perpetuity leases, Belfast had become very prosperous; Liverpool had grown rich under the same conditions, and the inhabitants of Derry asked for the same privileges. The result was that the Irish Society held a court in the Corporation Hall of Derry, at which nineteen members were present, Mr. Alderman Humphrey being Governor, and they undertook that renewable leases should be given upon payment of additional rent, according to the value of the land. The inhabitants were delighted, but the next they heard was that, on the return of the deputation to London, it had been found that the court was not properly constituted, and thus the promise was not carried out. The people of Derry also complained that they had no control over the governing body, had no voice in their election, and also that the Corporation of Derry could not make the commonest by-law without the authority of the Irish Society. This was a real Irish grievance; and if the people of Derry were more clamorous than they were, instead of being peaceable and orderly, probably their complaints would have been listened to long ago. He admitted that the administration of the society had improved, and the length of the leases had been extended from sixty to eighty years; but while in London a man would be justified in building on land with a sixty or eighty years' lease, no man in Derry would do so if he could help it. The worthy Alderman who had spoken said that the Irish Society was a spur to other Irish landlords. The fact was that it was a beacon and warning to them; it was more niggardly than other landlords; and it was sufficient to tell a landlord—"The Irish Society won't do such and such a thing," for then he did it directly. The great ground of complaint was connected with the case of the leases. He did not refer to agricultural leases, but leases for the purpose of building mills, factories, mansions, and houses, and for making docks and those other improvements which a commercial town stood in need of. He did not attribute the prosperity of Belfast entirely to the perpetuity leases of Lord Donegal, because Belfast had great natural advantages, calculated to make it flourishing; but Derry might be made, as far as its geographical situation would allow, a rival for Belfast, if a system of proper leases were established. Another ground of complaint arose out of the mode in which the funds of the Irish Society were distributed. A friend of his had informed him that a great deal of dissatisfaction prevailed among the Roman Catholics of Derry in consequence of the society refusing to contribute any money for the new Catholic cathedral there. The society gave, it is true, £10 to the national school, but they alleged that by their charter they were debarred from giving money for religious purposes, unless they were Protestant purposes. Considering that the Catholics formed the great majority of the Irish people, he thought that the sooner a charter which imposed such a restriction was abolished the better. The Presbyterians and Nonconformists equally complained that to them the Irish Society dealt out their funds with a niggard hand, though they were lavish in the extreme to their Episcopalian brethren. At the same time the religion and the education of the majority of the people were excluded from the purview of the society's charter. He had a right to ask the House to consider this question, and the Government—which had just introduced a great measure, calculated, he believed, to advance the happiness and prosperity of Ireland—ought to use the same unsparing hand in dealing with this matter, and should cut down that upas tree, under the shade of which the people of Derry had been languishing for so many years. He had no hesitation in supporting the Motion; and, believing that many abuses existed, and that the Irish Society had mismanaged the funds at their disposal, he hoped that the Government would give a distinct pledge that some redress would be afforded in a matter which, in the opinion of persons of all creeds and political opinions in Derry, required prompt investigation.

Mr. PEEL DAWSON said, that as he represented the district in which Londonderry and Coleraine are located, he could not refrain from giving expression to the views which actuated many of his constituents. In most of the arguments which had been used in support of this Motion he entirely concurred. He was quite ready to acknowledge the anomalous and unsatisfactory relations which for a considerable time had existed between the Irish Society and their tenantry in Londonderry county; and, in his opinion, something more stringent than a gentle remedy was required, for the local dissatisfaction was not only not on the wane but increasing. The general objects of the society's charter had long ago been carried out, and the question now was whether the funds should still be limited to the sustenance and extension of the same system. The property of the Irish Society had very considerably increased. The accounts, it was only fair to acknowledge, were yearly published and duly audited, and in February last they showed only a comparatively small sum remaining to the credit of the society, after all the charges and charities had been met. But there was a very large expenditure in management, which either appeared unnecessary or required explanation. This had been inquired into by the Commission of 1854, and their explanations were explicit and peremptory. He could not conscientiously depart from the recommendations of the Commission for the following reasons:—There had not been sufficient encouragement under the head of building leases; there was great and confessedly just dissatisfaction with the constitution of the society itself; there was nothing about it of a permanent character except the Governor, who held office for life, and the clerk during pleasure. Even the Deputy Governor only held office for two years; and just as the knowledge he had acquired was becoming useful his connection with the society terminated, and the management of the trust was confided to other hands. The deliberate refusal of the Corporation of the City of London to re-construct the society some years ago on a more permanent basis had caused great dissatisfaction. The inattention paid in London to deputations from Ireland was also a source of local irritation. He had, therefore, no hesitation in saying that there was, on the part of his constituents, a strong desire that a great and stringent change should be made, by so constituting the trust under which this property was administered that at least the people of Londonderry and Coleraine should no longer have cause to complain. There was one recommendation of the Commission from which he must entirely dissent — the transfer of the management of these funds to the Lord Chancellor of Ireland for the time being. He was not now speaking of the eminent individual who fills the office of Lord Chancellor of Ireland. If he were he would speak very differently. But he was speaking of the office which must necessarily be held by a political partizan, and a member of whatever Government holds the reins of power. The very suspicion of abuse should be avoided; and as often the best intentions were open to misinterpretation, he could not willingly consent to the accumulation of so much patronage in the hands of a Government official whose duties were so liable to change as to render him in a certain degree irresponsible. He would rather see the Irish Society re-constructed on a more liberal basis. If that did not meet the views of the majority, he would recommend that the funds should be placed under the care and surveillance of the local authorities, the Corporation of Londonderry, and the Town Commissioners of Coleraine, who were elected by the suffrages of the inhabitants. The hon. Member had not included in the terms of his Motion the condemnation originally threatened of those other guilds and companies of the City of London which possessed large property in the county of Londonderry. If these companies had been included in the indictment, he should have considered it his duty to take a larger and more active part in the debate; but as both the towns of Londonderry and Coleraine were ably represented in that House he should leave the debate in its further progress to them. Doubtless, it would be more to the advantage of the district if the estates were held by private individuals; but still he was bound to acknowledge that the administration of the property had almost uniformly been conducted in a spirit of liberality and of proper consideration for the welfare and interests of the tenants. He would only say, in conclusion, that if there was a fairer and juster dispensation of the funds of the Irish Society for local purposes, he felt confident, from the unexampled progress made by Londonderry within the last fifteen years, that that City would attain to a pre-eminence in commerce second only to that of Dublin and Belfast, and worthy its historical name. If the hon. Member should divide the House on his Motion, he (Mr. Peel Dawson) should have great pleasure in going into the Lobby with him.

COLONEL FRENCH said, the chief complaint of the Mover of the Motion was a want of consultation on the part of the Irish Society with the City of Derry, and those interested in its prosperity. This was an old universal complaint, which Ireland had a right to make in many respects, and particularly against the Treasury. In reference to lunatic asylums, valuation, river improvement, and other matters, the parties by whom the expense was to be borne were not consulted and knew nothing about the course to be pursued. The first intimation they generally received was an imperative order to raise a large sum of money for a particular purpose, advanced without their sanction by the Treasury, and thus £3,000,000 have been imposed on Ireland for local taxation during the last thirty years. It was not necessary to go so far back as some of the speakers had done. The county of Londonderry, and the district adjoining it, had been left after the rebellion of the three Hughs—Hugh O'Neil, Hugh O'Donnell, and Hugh O'Doherty—a depopulated waste—not a house of any importance remained—there had been no cultivation of the soil for years, and had the City of London not come forward to colonize it, the country must have remained in this state of barbarism and desolation. The Irish Society found settlers and capital and converted the country into a state superior to any other part of Ireland. He had been an intimate friend of the late Alderman Humphrey, who had been Member for Southwark for many years, and was highly esteemed by all who knew him. The Alderman had given up a great deal of his time to carry out, in the most favourable manner to Ireland, the objects for which this society was originally established, and had prepared a plan for disposing of the estates in the North which had been so highly improved; and after the famine had proposed to expend the produce in purchasing property in the West and there to carry out similar improvements. The Alderman had always received with good humour the grasping complaints of the City of Londonderry, and was much too sensible a man to attend to their preposterous demands. It had been stated in the debate that the Alderman had promised certain things which he had not performed. That assertion was perfectly unfounded. Although the meeting at Londonderry might not have been legal, Alderman Humphrey carried out every promise made at it—the extension of building leases, and new grants for the improvement of the City. The question, however, was what was the state of things now, and whether the society was discharging the duty with which it was intrusted; and he contended that Ireland ought to be grateful to the society, and particularly the county of Londonderry, and that the county and the country would have reason to deplore any legislative act which should terminate the existence of the society. The aspect of Londonderry was being changed by the construction of docks and quays and other improvements, all owing to the liberal assistance of the Irish Society, whose estates brought in probably £12,000 a year, of which only about £600 was absorbed by the expense of the office in London and the journeys that it was thought necessary to make to Ireland. Of course; no ordinary landlord could afford to spend the difference between £12,000 and £600 in the improvement of the estate; and, remembering that the society did so, it was necessary to consider what would be the effect of carrying this Motion and of any action that might ensue from it. The object of the society was to increase as much as possible the resources of Ireland, and to improve the town under their management; and there was no difficulty in getting leases of sufficient length to encourage the erection of buildings necessary to the development of trade. He had no reason to believe that the policy of the society had been in any way changed under the successor of Mr. Alderman Humphrey (Sir William Rose). Almost every charge on the estate was borne by the society; it contributed to the support of all churches and schools, without favour or partiality; at least, he was not aware there was any limit to the amount that could be given to the Catholic churches. Complaints ought to be made in other quarters rather than against the Irish Society. His attention had been directed to an estate in the North of Ireland, the proprietor of which had drawn from it £1,260,000, and had never expended a penny in the neighbourhood. That would be a fair object of attack for the hon. Member for Cork, instead of singling out, as he had done, a body which he was hourly serving the country of which he was one of the representatives. He could not gather from the speeches made what was the object of the Motion, or what it was intended to do with the trust fund; and he could not see why an hon. Member (Mr. Dowse) should have sneered at Mr. Cox, than whom there never was a more attentive and honest Member. Admitting his own perplexity as to what should be done, and his readiness to acquiesce in any inquiry which the Government might think it well to institute of their own accord, he thought it would not be fair to the society to press this Motion, and he therefore advised its withdrawal.

Mr. RUSSELL GURNEY, as being, by virtue of his office, a member of the Irish Society, was in a position to lay some information before the House with reference to the manner in which that body discharged its various duties. The hon. Member who brought forward this matter had described the Irish Society as being merely trustees for public objects; but, in addition to discharging the duties of trustees for public objects, they had to deal with the surplus funds which remained over when the public trusts had been satisfied, as the trustees of the twelve companies whom they represented. Their position as the representatives of the twelve companies had been fully recognized by the learned Judge in delivering judgment in the suit which had been already referred to. The hon. Member for Londonderry (Mr. Dowse) had endeavoured to meet that point by referring to a Report of a Commission which sat upwards of fifteen years ago, in which it was stated that, if the public duties of the society were properly discharged, it was impossible that any surplus could remain to be applied to the use of the companies. But since the period when that Report was drawn up the circumstances of the society had greatly altered. They had then an income of only £7,000 per annum, and no doubt that sum might well have been expended in properly discharging their duties as public trustees; but their income had of recent years largely increased, and in a few years hence a very considerable surplus might be expected to remain after all the public trusts had been amply provided for. That surplus would not belong to either the public or the Corporations of Londonderry or of Coleraine, but to the twelve companies for whom the Irish Society were trustees. Having explained this part of the subject to the House, he should wish to advert to one or two other points which had been touched upon by hon. Members in the course of the debate. The real question before them was—Had the society fairly and honestly discharged the trust reposed in them by the terms of the original charter? He had been surprised to find the chief ground upon which they had been attacked was that they had confined themselves strictly within the four corners of the trust originally imposed upon them; and it certainly did not appear to him that they had deserved blame for having faithfully and honestly conformed to the terms of the charter under which their property was vested in them. Even according to the statements of hon. Members opposite, it was evident that it was more than a century since the society had started on a new course, and from that period the prosperity of Londonderry had dated. It was a comfort to hear that the state of Londonderry was not so miserable as had been alleged by the hon. Member who brought forward this Motion, who affirmed that its deplorable condition was the result of the conduct of the Irish Society. In a recent speech the Mayor of Londonderry congratulated the Corporation upon the vast improvements that had been made in the condition of the City, and referred to the fact that large sums had been expended on building warehouses and manufactories, in building new streets, in making new quays—a large proportion of the expenses of forming these latter having been contributed by the Irish Society—and in constructing new railways, which were brought into direct communication with the shipping. But while congratulating the City upon its commercial prosperity the Mayor did not forget to refer to the increased means which were afforded to its inhabitants for attaining literary and scientific information. It had been stated by some hon. Members that grants without measure had been made by the society to the Episcopalians, and to the Episcopalians alone; but he would take the liberty of reminding them that no institution in Londonderry had received larger grants from the society than the Magee Presbyterian College. He had been looking over the accounts of the society for the last few years, and he found that during the past year the society had expended in Londonderry a sum of £2,369 upon schools; £1,300 upon charitable institutions and upon agricultural and farmers' societies; £9,657 for public improvements; and had contributed £1,200 towards the annual expenses of the Londonderry Corporation. While admitting that the time had arrived when it should no longer be permitted that the by-laws of the Londonderry Corporation could not take effect until they had been approved by the Irish Society, he thought that some slight control over the Corporation affairs should be permitted to the society in return for the sum they contributed to the annual expenses of the Corporation. Such control could scarcely be objected to when it was recollected that, on one occasion, owing to the misconduct of the Corporation, their mace had been taken in execution, and had been redeemed at the expense of the society. Still, as a "sentimental grievance" was, by the custom of these days, regarded as more serious than any other, he should, as a member of the society, be perfectly willing to surrender the authority which it now exercised over the Corporation. He must say that he looked in vain for any fair grounds for removing the society from its office of trustee. Recollect that if it were so removed, other trustees would have to be appointed, for the ultimate owners of these funds were certain private guilds. If it could be shown that the Irish Society had not fulfilled its trusts it ought to be deprived of them; but he contended that a good case ought to be made out before that step was taken. Three years ago, when Mr. Kennedy moved for Returns in relation to the trust funds and the management of the society's estates, strong allegations were made against the society; but he had been rather amused to-night at finding that no quotation had been made from those Returns, and that the hon. Member for Cork (Mr. Maguire) and those who supported him had been obliged to go back to remote times. They could not rely on the present time to make out their case. The hon. and learned Member for Londonderry (Mr. Serjeant Dowse) attributed certain changes in the length of leases to the debate on Mr. Kennedy's Motion. It would have been very strange if there was any connection between that Motion and the change, seeing that the latter had occurred four years before the Motion was made. He believed he was justified in saying that those who managed the Irish Society did not shrink from inquiry; they did not oppose it; but they did most strenuously oppose the Motion of the hon. Member for Cork, and the terms in which it was made, because both contained a foregone conclusion which there were no grounds before the House to justify.

Mr. CHICHESTER FORTESCUE said, he had listened with much interest to this debate, and in the few remarks he had to make on the subject before the

House he would endeavour to be impartial, in spite of the warning of his hon. Friend, who represented the City of London (Mr. Alderman W. Lawrence). In the first place, he thought all parties were agreed that the Government and the House had a perfect right to direct an inquiry in this case, if the circumstances were such as to require it. He would not enter into the legal questions adverted to by the right hon. and learned Gentleman (Mr. Russell Gurney), but would at once take it for granted that the Irish Society was a public company, fulfilling a public trust, which the Commission that sat fifteen years ago, described as a public charity; and therefore he held that Parliament was entitled to have a new inquiry into the constitution, management, and proceedings of the society. Consequently, the question reduced itself to this—whether there was a real and evident necessity for the institution of such an inquiry, which was for a renewed inquiry in addition to the one already made by the able Commissioners of 1854? After looking at the whole subject, and listening very carefully to the debate, it seemed to him to be quite clear that there were anomalies and defects, partly, perhaps, in the management, but certainly in the constitution of the Irish Society. As to the question of leases, which was one of management rather than of constitution, it was not for him to pronounce any opinion as to the view taken by the Irish Society; but there could be no doubt that the system pursued in the matter of leases was far from giving satisfaction to the citizens of Derry, many of the most enterprizing of whom were of opinion that it was detrimental to the progress of that City. With respect to the defects in the constitution of the society, there were clearly some points that both sides of the House considered to call for a remedy. Both sides condemned the two years' tenure of office. He had gone carefully through the evidence taken by the Commissioners, in 1854, and he found that Sir Robert Fergusson and other gentlemen spoke strongly as to the defects in the constitution of the society. So, again, in regard to the control exercised by the Corporation of London over that of Londonderry. The historical origin of that control was, indeed, sufficiently clear. But the learned Recorder had himself spoken of it as an antiquated provision which it was impossible to justify, and it was a matter that evidently called for remedy. Again, that was an important point brought under the notice of the House by the hon. and learned Member for Londonderry (Mr. Serjeant Dowse)—namely, that the Irish Society was restricted from applying any part of its revenues to any object pertaining to the Roman Catholic population. That was a state of things which both sides admitted to be indefensible, though the historical origin of those restrictions was, as in the other case, well known; and he was far from censuring the Irish Society for acting, as they believed, within the four corners of their charter. He thought the House ought also to recognize the fact that the noble Lord who formerly represented Derry (Lord Claud John Hamilton), and his hon. and learned Friend by whom he was happy to say that City was now represented, took similar views in respect of certain of the anomalies and defects in the present system. His hon. Friend the Member for Cork (Mr. Maguire) in his able speech had pointed out that the Commission of 1854 found great faults with the past management of the society, and went so far as to recommend the winding-up of the society and the substitution for it of another body; but the Commissioners suggested a mode of constituting such body, which he believed had not been generally considered satisfactory. The House could not, therefore, conceal from themselves the difficulties that would be felt in substituting an entirely new constitution for that of the Irish Society. The very fact that an inquiry had fourteen years ago been instituted into the way in which the Irish Society discharged the duties of its position was in itself an argument rather against than in favour of further inquiry; and he would, without entering at greater length into the subject, state the views with respect to it which the Government entertained. They were of opinion that there were in connection with the society matters of serious importance which could not be allowed to continue much longer on their present footing, and that it would be their duty to look more closely than they had yet been able to do into the question. The Government, moreover, thought that it would be for them to consider before any legislation should arise on the subject of the Irish

Society, by way of improving its constitution or otherwise, whether any further formal investigation, in addition to the inquiry of 1854, was necessary for that purpose. There was no occasion for proceeding with undue haste in the matter, and it would be the duty of the Government to satisfy themselves, as to whether the various points in connection with the society to which attention would have to be particularly directed were already ripe for amendment, or whether an impartial inquiry by a Royal Commission would be, before proceeding to deal with them, desirable. The appointment of such a Commission, should it be deemed essential to issue it, the Government ought, he thought, to keep in their own hands, and he trusted that his hon. Friend the Member for Cork would be satisfied with the statement of their views on the question which he had made, and not press his Motion to a division.

Mr. CRAWFORD said, that not being a member of the Corporation of the City of London, he had not that knowledge of the subject which was possessed by his hon. Colleague. He had, however, listened very attentively to the present discussion, and he concurred, he must confess, in the opinion of his right hon. Friend who had just spoken, that the affairs of the Irish Society were in a state which justified a demand for some inquiry. He at the same time strongly objected to the Motion of the hon. Member for Cork, and especially to the foregone conclusion which it involved, and to many of the remarks that had been made in the course of the debate. He understood that if the Government ultimately deemed it necessary to institute an inquiry it would not be a hostile one, but a fair, disinterested, and judicial investigation. Many of the statements of the hon. Members for Cork and Londonderry (Mr. Maguire and Mr. Serjeant Dowse) were high-flown exaggerations that would not bear the test of examination—such, for instance, as that in which the hon. Member for Cork talked about the enormous expense of managing the estates in Ireland—a sum amounting to six figures; but that, in fact, was the accumulated sum of many years, and they all knew that quite small amounts thus accumulated swelled into a considerable total. Let the hon. Member for Cork add up the amount of his weekly washing bill for years together, and he would be astonished at the result. He hoped the hon. Gentleman would not go to a division, but would accept the proposal of his right hon. Friend the Chief Secretary for Ireland, who promised, if necessary, to institute a fair discriminating judicial inquiry into the whole question.

Sir HERVEY BRUCE, in reply to the taunt of the worthy Alderman the Member for the City of London (Mr. Alderman W. Lawrence) that he had endeavoured to take from the Irish Society a fishery which belonged to them, and had failed in the attempt, wished to say that he entirely denied the accuracy of the statement. He had never sought to take any fishery from the Irish Society and failed to do so. There was, indeed, a fishery which he said was his, and which the society contended belonged to them. His reply to them was that he was ready to contest the point in a court of law; and the result was that after the use of some such grand language as that in which the hon. Member had indulged that evening they retired from the controversy and left him in possession of the fishery. There were also other fisheries in question, with respect to which he was not quite sure that he would not go into a court of law with them, especially as they seemed, after the discussion of that evening, to be getting into a more shaky position. But the worthy Alderman went on to say that the landlords in the vicinity of the society's property looked upon them with jealousy because of the way in which they treated their tenants. If, however, the members of the society resided on their estates, instead of only visiting them for a day or two in the year and dispensing their hospitalities at Government House, they would see that the neighbouring landlords had no occasion to be jealous of them. He was aware that their charities were on a scale beyond that of which the resources of any private individual would admit; but the Irish tenants knew how to value their princely munificence for public ostentation as compared with the daily kindnesses received at the hands of the resident proprietors, and he for one should not be afraid of entering into competition with the society for a tenant. In former times the society had miserably failed in their duties as landlords in the towns. He was quite aware, however, that they had become more liberal as time went on, and he hoped if they remained in possession of their property they would continue to improve. He had, he might add, listened with great attention to the able and temperate speech of the hon. Gentleman the Member for Cork, and agreed with much that had fallen from the Chief Secretary for Ireland, and he trusted that after that expression of opinion on the part of the Government the hon. Member for Cork would not press his Motion. If he were to do so many hon. Gentlemen who on another occasion would vote for it might decline to do so, in the present instance, because of the attack which was now being made on property in another direction, and under entirely different circumstances.

Sir FREDERICK HEYGATE said, he thought the question was one into which politics did not enter. All persons who knew Ireland and the Irish Society, however convinced they might be, as he was himself, of the purity and honour of the gentlemen who composed the society, must come to the conclusion that, as at present constituted, it could not have a practically useful existence. The hon. Member for Cork had moved for a Royal Commission; but it should be remembered that such a Commission was actually appointed in 1854 to inquire into the matter. That Commission recommended that the days of the society should be numbered; but it had further recommended that the trust should be referred to the Lord Chancellor, who was, in fact, about the worst possible person to whom such a matter could be left. He was glad that the Government intended to take the course which the Secretary for Ireland had indicated. The Irish Society seemed to be nobody's child. The estates were said to be of no pecuniary interest to the London Corporation; and certainly in the county of Londonderry the desire to get rid of the society altogether was unanimous. He deprecated the harsh language which, in the course of the debate, had been applied to the society, because he believed that, whatever might be said of the gentlemen who composed it, they were actuated by a desire to discharge their duties so as to benefit the property under their control. He trusted that the hon. Member would now withdraw his Motion. There was one point to which he would like to direct attention, and that was the use to be made hereafter of the funds of the society. It should be remembered that the Irish Society was not constituted only for Derry and Coleraine, but for the whole of the county of Londonderry.

Mr. DEASE said, he had great difficulty in making up his mind on this subject, and he certainly had not heard in the course of the debate any arguments which appeared to him to be conclusive against the Irish Society, while it was conceded on both sides of the House that the society was an extremely good landlord, and expended large sums for the purpose of promoting the peace and prosperity of the territory under its dominion. Under those circumstances he could not vote for the Motion, if it were pressed to a division, more especially as they had held the scales impartially between the Episcopalians and the Presbyterians. If that body was to be now superseded, he should want some guarantee that the same impartiality would be observed by the body that was to succeed them. He hoped the hon. Member for Cork would accept the advice of the Secretary for Ireland and withdraw it.

Colonel STUART KNOX said, his hon. Friend the Member for Cork had brought forward this Motion in the most straightforward way, and he entirely concurred in what his hon. Friend had stated. Indeed, he should wish to vote for the Motion, but for one difficulty. His hon. Friend had put three or four Motions in connection with the London companies on the Paper, which amounted to attacks upon the rights of landlords and proprietors in Ireland. If, however, the present Motion were not intended in that light, and if his hon. Friend could explain away his previous Motions, he should have great pleasure in voting with him.

Mr. MAGUIRE said, he would only occupy a very few moments, as he would only notice one or two points. He should reply to the learned Recorder by quoting against him another Recorder. Doctors differed, so did lawyers. Mr. Stuart Wortley, late Recorder, was asked whether his view of the double decision was that the companies had no beneficial interest whatever in the funds of the society, and he answered that undoubtedly that was his interpretation of its meaning. In reply to the Member for the City of London (Mr. Crawford) who accused him of adding many years together, he would only say that in ten years the society had spent over £20,000 in law, that they had received nearly £5,000 in fees to their own members; and that their excursions cost about £5,000 more. In reply to the worthy Alderman (Mr. Alderman W. Lawrence) he would say that he knew nothing of the letter or advertisement in the Derry papers, and only saw it like other persons. It was said that the society granted £2,000 to the waterworks of Derry; but what was the fact?—that for the water that passed through a portion of their ground, though it was taken from the Bishop's land, they demanded £5,000; which sum was cut down to £1,000 by arbitration. He might have mentioned this, and a number of facts, had he cared to enter into details; but he could not trespass too long on the indulgence which had been so kindly granted to him. He could, for instance, have shown how these model trustees dealt with the cemetery and other improvements originated by the Corporation. But he had stated quite enough to prove his case. Of one thing he was certain—namely, that the discussion had done good. The opinions urged by him and his hon. and learned Friend had been fully endorsed from the other side of the House. But the worthy Alderman had ventured to assert that he (Mr. Maguire) being a Member from the South, he had no right to deal with a Northern question, though it affected the interests of his own countrymen. That was a strange doctrine to lay down in that House. Surely he had a far greater right to deal with the interests of his countrymen—though he resided 300 miles from them—than a few Englishmen residing at a distance of some 600 miles from them had to control a fine City and dictate to a large and intelligent, and a highly spirited community. After the statement and promise of the Government, made by his right hon. Friend the Irish Secretary, it would be most unwise on his part if he pushed the matter further at present; and he therefore willingly left all further responsibility in the hands of Her Majesty's Government, and would therefore withdraw his Resolution.

Motion, by leave, *withdrawn.*

LORD LIEUTENANT (CUMBERLAND AND WESTMORELAND).

MOTION FOR AN ADDRESS.

MR. C. HOWARD, in rising to move the Resolution on this subject which stood on the Notice Paper in his name, said, he wished at the outset to disclaim any motives of a personal nature in introducing that question, and also to express to the hon. Member for West Cumberland (Mr. H. Lowther), or any member of his family who might be present, his regret that there should be in the Petition which he had presented to the House any expression at all of a disparaging character toward him. For his own part, he felt bound in bringing forward a Motion offensive to the hon. Gentleman and his family to declare that he thought the hon. Gentleman was a man not only of great honour, but perfectly qualified, as far as he was personally concerned, to fill the office of Lord Lieutenant of a county. The hon. Gentleman filled the office of Lord Lieutenant and also of Custos Rotulorum. Now, those offices were instituted at much the same time; but he confessed it did not appear to him why they should necessarily be connected. As Custos Rotulorum he had the appointment of all the magistrates; as Lord Lieutenant he occupied a prominent place in the military management of local affairs. Now, he had no doubt that in former times, after the Civil Wars, it was a great object with the Sovereigns of this country, whether of the Stuart or of the Hanoverian dynasty, to secure for their interest men of large possessions, who might be useful to them in their maintaining their hold on the country; and he had no doubt that King William III. was very glad when he was able to retain in his service a statesman so eminent and a proprietor so large as the first Lord Lowther. But it appeared to him that the time had gone on by when those offices were of importance. They might have been important in former days in restraining the violence of the clergy and of the Jacobite gentry; but now it seemed it to him that any magistrate, duly qualified to act, would be able to act as Custos Rotulorum, and to recommend fit magistrates for the bench; and he thought it would be a great gain if the administration of military affairs were taken from the Lord Lieutenant and given to some officer who would be able in a more efficient manner to administer the affairs of their local array. But whatever might be thought of that matter—and he threw it out as a suggestion to the Government—he thought there could be no doubt it was not desirable that the office of Lord Lieutenant should be hereditary. The Petition he had the honour to present on that subject complained that the office of Lord Lieutenant had been for 100 years vested in the Lowther family. The petitioners there very much under-stated the case. He believed that since the time of the Revolution the proprietors of Lowther had invariably succeeded to that high office, and for the last 130 years, since the year 1738, when Henry Lord Lowther was Lord Lieutenant, the Lords Lonsdale had succeeded to the office without intermission. That, he held, was a course which was not consistent with the due exercise of the Prerogative of the Crown, and with the giving of favours from that quarter. He thought it would be much better that the tenure of that office should not be regarded as a family succession. But not only had the Lords Lonsdale, one after the other, succeeded to the office of Lord Lieutenant of the county of Cumberland, but they had also succeeded to the office of Lord Lieutenant of the county of Westmoreland. Now, he believed that in no two other counties in England was that office held by the same person; and he found that in 1837, when the counties of Northampton and Rutland were held by Lord Exeter, on Lord Exeter's death Lord Derby thought proper to separate the Lord Lieutenancies of those two counties, and to give one to Lord Gainsborough and the other to Lord Southampton. Well, Rutland was a very small county, smaller than that of Westmoreland, and it might very naturally have been thought that the office of Lord Lieutenant might properly be held in connection with the county of Northampton. But it did not so appear to Lord Derby. As he had intimated, he thought there were objections to these offices being hereditary. He dared say he might be met by statements on the other side of the House that these appointments were not confined to the Lowther family. Well, that may be the case; and he believed that, although there might be exceptions, the rule was not to give the office to the son after the death of his father. But if hon. Gentlemen opposite should show to him that there had been appointments of a similar nature made by a Liberal Government, he could only say that that would but confirm his case, and he should be very glad if those hon. Gentlemen would vote with him on that question, and thereby help to prevent the continuance of a practice which he regarded as very injurious to the public interest. He did not think, if it had happened that the Lord Lieutenant had died, or had been prevented by illness from attending to public affairs, that there would have existed the feeling now excited in the country by the appointment of his heir and nephew. If the Government, firm in Office, had, in either of those cases, appointed him to the Lord Lieutenancy, there might have been murmurs; but so strong was the feeling on both sides of that House that those offices had been so long—it might be improperly—regarded as a great reward of party efforts, that he doubted whether there would have been any strong opposition to the appointment. But let the House observe when that appointment was made. A Petition, presented by his hon. Friend and Colleague, stated that during the late election the present Lord Lieutenant had not been appointed to his office. But that election was not over until the end of November. On the 2nd of December the right hon. Gentleman opposite (Mr. Disraeli) wrote a letter to his constituents to tell them that he had given up Office, and on the 10th of December he had ceased to hold Office. Well, the Lord Lieutenant of the county of Cumberland was gazetted, he thought, on the 2nd of December. Now he thought the House ought to examine very carefully the appointments of a retiring Government; and not only in the case of the Lord Lieutenant of Cumberland, but in many others, the late Government had been very lavish of their appointments. Lord Mayo had gone to India; and not only had he received that valuable heritage, but he had also received the favour of his Sovereign in the dignity conferred upon him of the Star of India. He would refer hon. Gentlemen for an illustration of the conduct of the Government to a very interesting Return which had been presented to the House on the Motion of an hon. Friend of his the Member for

Roscommon (the O'Conor Don). Hon. Gentlemen would see from that Return that there was a perfect shower of appointments about the 2nd of December. He hoped the House would carefully scrutinize these appointments. They would hardly approve a system of reaping the harvest before it was ripe, and giving appointments before they were due. He regretted, as he had said in the beginning of his speech, that the Motion he should have to bring forward should be of an offensive character to a Gentleman whom he esteemed very much. [*Ironical cheers.*] Hon. Gentlemen might doubt the compatibility of those feelings; but he could assure them he was perfectly sincere. He regretted that in making the Motion he should have to propose a measure very offensive to the hon. Member for West Cumberland, but he saw no other way of preventing and remedying what he believed to be a great abuse.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, humbly showing that the united Lord Lieutenancies of Cumberland and of Westmoreland have, for upwards of a century, been conferred upon some member of the family of Lowther; that in the year 1844 William Earl of Lonsdale was appointed Lord Lieutenant and Custos Rotulorum of the said two counties; that the said Earl of Lonsdale continued to fill these offices until the month of December 1868, when Your Majesty was advised to revoke his appointment in favour of his nephew, Henry Lowther, esquire; that at the time when the said revocation took place Your Majesty's Ministers had tendered their resignations, and only held their offices until the appointment of their successors; that this House observes with satisfaction that, as a general rule, Your Most Gracious Majesty has refrained from appointing one and the same person to the Lord Lieutenancies of two separate counties, and humbly prays Your Majesty to reconsider the exceptional course recommended by Your Majesty's late advisers in the case of Cumberland and Westmoreland, and to revoke the appointment of Henry Lowther, esquire, in order that, should it seem good to Your Majesty, Your Majesty may appoint two fit and proper persons to be respectively Lord Lieutenant and Custos Rotulorum of Cumberland and of Westmoreland."—(*Mr. Charles Howard.*)

MR. DISRAELI: I regret very much that a Motion of this kind should have fallen to the lot of one who has sat among us so long, and for whom all of us—at least those who know him like myself—must entertain feelings of respect. I regret that he should have felt it his duty to make a Motion which I think I may say—with his no inconsiderable experience of public life and of the details of public business—he should have well examined into before he committed himself to a proposition such as that now before the House. The hon. Gentleman commenced his observations by some general remarks which referred to the inconvenience—perhaps the incongruity—of mixing up together the duties of the Lord Lieutenant of a county with those of the Custos Rotulorum. I will not enter into the discussion of that question, because I apprehend that if there is anything in the Motion of the hon. Gentleman it is directed against the recommendation which I felt it my duty to make to Her Majesty with respect to the present Lord Lieutenant of the counties of Cumberland and Westmoreland. It may be that the system of joining together the duties of Lords Lieutenant and of Custodes Rotulorum may be bad, and it may be necessary, like the affairs of the Irish Society, that Her Majesty's Government should institute a private inquiry on the subject; but I think the House will agree with me that it has nothing to do with the question before us. We have not now to inquire whether it is advisable or not that the same person should be a Lord Lieutenant and a Custos Rotulorum; but what we have to inquire into is, whether anything has occurred in public life which justifies the Address to the Crown which has been moved by the hon. Gentleman. Now, in the few remarks I shall make I will endeavour to treat the question fairly and candidly. I understand, taking together the Resolution and the Petition which has been presented to the House, either by the hon. Gentleman or one of his Colleagues, that, in the first place, a censure is passed upon the late Government for recommending, at the time when they tendered their resignation to Her Majesty the appointment of the present Lord Lieutenant of the two counties of Cumberland and Westmoreland to the post which he now holds. The House will see when I have placed before them the case which they have to consider that this point has really nothing to do with the merits of the individual instance before the House; but it has been put forward in so prominent a manner both in the Petition and in the Address which we have just heard, and it is one upon which the hon. Gentleman has dwelt with so much emphasis that it would not be right for me to pass it over without remark. Now I entirely deny the position taken up by the hon. Gentleman that, because I had tendered my resignation to Her Majesty, and Her Majesty had provisionally accepted it, I had ceased to be the responsible Minister of the Crown. That, I believe, is a point upon which there is no controversy whatever. [" Oh ! "] Surely no Gentleman acquainted with the principles of our Constitution will think of disputing that for a moment. It does not follow that, because a Minister tenders his resignation and the Sovereign accepts it, that the Minister will be changed. Under any circumstances a considerable time may elapse. There is an instance of a not very distant date when six weeks elapsed. During all that time the Minister whose resignation is contemplated is performing the highest duties of the State; he may be superintending negotiations upon which the peace of Europe may depend; may be providing for the successful conduct of public expeditions in which the honour of the country is involved; and when he is obliged to fulfil all these duties and discharge all these functions, could anything more absurd be maintained than that he should not feel himself authorized to recommend to Her Majesty those persons best qualified to represent the Sovereign? On this point there is no doubt whatever, and there has been no difficulty about it in practice. The hon. Gentleman has said that I might adduce instances of an accumulation of offices under Liberal Governments. It is unnecessary for me to touch upon that. Take the case—I do not quote it as a precedent—of the Government—I will not say of my predecessor—but the Government that preceded that Administration, the Government that ceased to exist in 1866, and of which the right hon. Gentleman opposite was a Member. Why it so happened there was then an analogous case. I am touching upon this point because it is an important constitutional point, and on an occasion like the present the House should arrive at a clear conclusion about it. As I have said before, this has really nothing to do with the peculiar merits of the case before us to-night. But in 1866 there was an analogous case. Three days after Lord Russell had informed Her Majesty of his wish to resign, and his resignation had been accepted—and be it remembered that was in consequence of a vote of the House of Commons—a Lord Lieutenancy became vacant. Three days after Lord Russell's provisional resignation had been accepted, he did not hesitate to recommend to fill that important post an individual perfectly qualified to fill it, and that appointment was never for a moment challenged or impugned by this House. Take the case of the immediate predecessor of Lord Russell—Lord Palmerston. When he resigned in 1858, in consequence of a vote of this House, and a vote which he himself described and considered as a Vote of Want of Confidence—direct want of confidence—I speak on authority which I believe cannot be mistaken—at that moment there were three of the highest honours of the Crown—three Garters—unappropriated; and yet, though Lord Palmerston had provisionally resigned the high post which he occupied, he allotted, and I believe, most constitutionally, those three great distinctions to three eminent Noblemen, his Friends and supporters. Therefore, Sir, in my opinion, as far as the constitutional principle is concerned there can be no doubt—and I never heard there was a doubt—that until your successor has kissed hands and accepted the responsibilities of Office, the retiring Minister must meet and incur the full responsibility of all public transactions. Well, I wish to treat the question candidly. If I were Minister of this country, and a vote of the House of Commons had, in my opinion, virtually terminated my administration, and if in the interval before my retirement, some eminent post, like that of Lord Lieutenant, were to become vacant, I confess, if I followed my own inclination, I should not advise her Majesty to fill it. But I do not suppose that my sense of honour is nicer than that of all other public men, and I can only say that I have had the opportunity of ascertaining the opinions of two most eminent statesmen of the present day, representing the two great parties in the State, and once occupying the highest Offices, and they told me not only that it was the right of the Minister to recommend to the Sovereign under such circumstances—of which there is, I believe, no doubt whatever—but that in their opinion it was his duty. I mention this circumstance to enforce the principle, which I believe is a just one, but which really has nothing to do with the merits of the case before us; but which I think the House should well consider, especially as an hon. Gentleman below the Gangway seemed to regard with some degree of derision the principle that a Minister who had determined to retire from Office was still to be responsible for the conduct of public affairs. Unless a Minister who has provisionally resigned, and whose resignation has been provisionally accepted, continues to act until his successor has been appointed a period would occur at the change of every Ministry in which nobody would be responsible, no matter what catastrophe should happen.

But the hon. Gentleman who has brought forward this Motion not only objects to the advice which was given to Her Majesty in this instance on the constitutional principle that a Minister who has tendered his resignation has no right to tender advice; but admitting, for argument sake, that the course we took was strictly constitutional, he says that the advice itself was erroneous and bad. In the first place, the hon. Member does not think the office of Lord Lieutenant should be hereditary. I never heard that it was hereditary. He also objects to the accumulation of honours, and duties of that character on any individual by two Lord Lieutenancies being combined in one person. I entirely agree with the hon. Gentleman in both these principles. My opinion is, though I would not use the language of the proposed Address, and say that I do not approve of the office of Lord Lieutenant being hereditary, that the office ought to be as little as possible of an hereditary character; and I say it is desirable that the government of two counties should not be combined in one individual. But I also say—and in this I am sure both sides of the House will agree with me—that though it is desirable that the hereditary nature of the office of Lord Lieutenant should, if possible, not be encouraged, though it is desirable that the government of two counties should not be combined in one individual, yet there is another principle which ought to be present to the consideration of every Minister; and that is, that the persons to be appointed to office should be competent and capable persons, and that the persons recommended to her Majesty should be deserving her Majesty's confidence. This, Sir, is a much superior question to any technical consideration, such as that to which the hon. Gentleman has referred. Now, what happened in this case? The hon. Gentleman appears, from the language of his Resolution and the Petition upon which it is based, to assume that Lord Lonsdale, having been suddenly and privately made acquainted with the intended resignation of the Ministers of the Crown, hurriedly resigned his office, in order that what followed his resignation might be accomplished. This happens to be a statement for which there is not the slightest foundation. The resignation of Lord Lonsdale might have happened six or nine months before it was actually accepted; but when I first acceded to the conduct of affairs I was unwilling to encourage the noble Lord in the determination of his mind upon that occasion; and not only was Lord Lonsdale totally unacquainted with the intended resignation of the Ministry, but from the peculiar circumstances of the case, which arose out of a nice and proper sense of honour, it was impossible that what the hon. Gentlemen believes to have occurred could actually have happened. I had ample time to consider what would be the effect of Lord Lonsdale's retirement, and I was not favourable to it, because I foresaw the great inconvenience and difficulties that might result from it. [*Ironical Cheers.*] I am sure the House will not place me in the invidious position of having to go through a *catalogue raisonné* of the gentlemen in the county of Cumberland who might possibly be fit for the office of Lord Lieutenant; but I may say that their claims were thoroughly examined into, not in the light of party interests only, but with a due regard to the public weal. I have always been anxious, when in Office, never to recommend any person to a high post under circumstances which would not command public confidence; and I should not have hesitated, in this instance, to have recommended a gentleman professing Whig politics if it had been in my power to place before Her Majesty a name which would have immediately been recognized as an unimpeachable appointment. It is not a very easy thing to find a Lord Lieutenant, especially when the number from whom to choose is limited. There are gentlemen in the county who have estates, but who are not resident, and gentlemen who are resident, but have no estates. Then, again, there are men very capable, but who are not desirous of fulfilling the duties of the office, and there are gentlemen desirous of fulfilling the duties, who are unfortunately not competent. So far from not having given the matter full consideration, as the hon. Gentleman seems to think, I took pains to make myself acquainted with the general opinion of the county of Cumberland upon the subject, and I cannot see that I have been deceived in this respect—indeed, the Petitions presented on the subject confirm me in the view I took, and I can appeal to them with considerable confidence. I have in my hand an analysis of the Petitions approving and disapproving the appointment, made by well-known and perfectly competent men. The Petition to which the hon. Member for Cumberland referred is signed by nineteen magistrates, I have no doubt, highly respectable men; but the Petition which advocates the recommendation I made is signed by 111 magistrates. [*Ironical cheers.*] I was perfectly aware of the inference which would be drawn from that contrast; but I believe there are magistrates from the county of Cumberland sitting on the other side of the House at this moment, and they can bear witness to what I can state with confidence — that the late Lord Lieutenant, during the time he regulated affairs, many times preferred gentlemen professing Whig opinions to those of his own party. But I find from this analysis that the Petition referred to by the hon. Gentleman is signed by two clergymen and three Dissenting ministers; the Petition supporting the appointment is signed by 120 clergymen and eight Dissenting ministers; the hon. Gentleman's Petition is signed by sixty yeomen, a most important class in that part of England; the Petition on the other side is signed by 849 yeomen. Professional men, bankers, and merchants objecting to the appointment number seventy-six, those who approve 495; persons objecting who describe themselves as gentlemen number thirty, and 288 describing themselves in like manner approve the appointment. The total of those objecting to what has been done is 3,737, and of those who approve 5,092. I do not wish to lay too much stress upon signatures to Petitions; but, as in this case, it was well known the Petitions would be thoroughly well scrutinized, the result may be taken as indicative of the feeling of the county; and there is one marked difference between the two Petitions. The great bulk of the signatures to the Petition referred to by the hon. Gentleman 2,966, are accompanied by neither description nor address; we have, therefore, no means of testing the claims of those who signed to consideration. In no case has a petitioner approving the appointment omitted to furnish us with his address and description. I have, therefore, shown that, as far as the constitutional principle is concerned, until the successor of a Minister who has provisionally resigned has actually kissed hands and accepted Office the retiring Minister is still entirely responsible for the conduct of affairs, and, as I have already stated in the opinion of high authorities, is only performing the duties of his Office in recommending a gentleman to fill the post of Lord Lieutenant. I have also shown that the hon. Gentleman in charging me with having hurriedly, and without consideration, recommended Colonel Lowther to fill the Lord Lieutenancy of the two counties without attempting to disjoint the united authority, has entirely failed to make out his case. Every effort was made—the case was considered in every possible manner. I did not find it was in my power—certainly I was quite unable—to fix upon any individual, without reference to party politics, whom I could recommend under the circumstances for the post in question; and no one has brought forward any name in this debate which would impugn that conclusion. If names had been brought forward, painful and disagreeable as it might have made my duty, I was quite prepared to have fulfilled it.

I now come to the third entire misapprehension which has influenced the hon. Member for Cumberland in bringing forward this Motion, and that is the idea that Lord Lonsdale, the late Lord Lieutenant, being suddenly acquainted with the secret of the intended resignation of the Ministers, hastily resolved to resign his post, with the understanding that the arrangements which are in question should be made. There never was a misconception more complete and entire than this. I will tell the House what occurred. It is not agreeable to speak upon a subject on which one would naturally wish to maintain a reserve, and even an entire reserve; but it is much more important that there should be a clear understanding in the public mind upon these subjects than that the feelings of any individual should be considered. It so happened, when the borough elections were pretty well over, it occurred to me, and it occurred to those of my Colleagues whom I could consult at that time — many of them being scattered over the country—that there was only one course we ought to take. We felt that the result of the General Election being one which we had not counted upon, it was most painful, after the declarations we had made, to remain in the possession of power and patronage, and that, therefore, we ought to take the earliest opportunity of retiring. Of course, there were difficulties at that moment in arriving at a unanimous decision; but the moment that those difficulties were overcome, and all were assembled, a Cabinet was called, and the Cabinet arrived upon that subject at an unanimous decision — that the voice of the country had been sufficiently announced by what had occurred, to render it on our part a duty to ourselves to lose no time in retiring from the position which we then occupied. We felt that this course was due to our own honour; to the personal convenience of the Sovereign, and the progress of Public Business; and lastly due to the right hon. Gentleman opposite himself, so that he should not be thrust into Office without time to prepare his measures. The Cabinet were unanimous; but it was also unanimously felt that, as men of honour, we could not break up the Government in the midst of a General Election; that we had duties which we owed to our own party; that we owed it to friends who had entered into severe contests not to destroy their fair chances of success by suddenly, in the midst of a General Election, announcing our resignation; and therefore, although we had agreed that not a moment should be unnecessarily lost in announcing our wish to retire from Office, still it was necessary the General Election should be completed before that decision should be carried out; and it was naturally left to me, under those circumstances, to take the proper steps at the right time to carry the resolution of the Cabinet into effect. I mention this, because stories in the newspapers about Cabinets having been called together, and my having gone to Windsor in consequence are inventions; nothing of the kind ever occurred, and nothing was more imaginative than these statements. It so happened it was impossible for me to communicate with Lord Lonsdale, or with any other individual with whom I had relations arising out of business which had been well matured and long considered, because entire secresy was absolutely necessary. I can say, upon my honour, that no gentlemen out of the Cabinet, even those most connected with the management of elections and the general conduct of the affairs of the party, ever received from me the slightest intimation of the course I intended to pursue. Well, Sir, I happened to be at Windsor, in attendance upon Her Majesty—not with reference to any particular business—but by Her Majesty's gracious pleasure, the county elections were going on, and, although they were, generally speaking, highly favourable to the Government, there was no reason to suppose the final result would alter the resolution which the Cabinet had arrived at. Still, feeling it was of the utmost importance that no time should be unnecessarily lost in our successors being installed in Office, I calculated, when I was at Windsor, that if a communication was made to our successors, a certain time must elapse before anything could transpire to affect public opinion, and that probably by that time the elections would be terminated; and, therefore, having the opportunity, I precipitated the decision at which the Cabinet had arrived. It was impossible for me to communicate even to the Ministry that I was about to carry out their resolution; and Lord Lonsdale had no more idea that the Government were about to retire than those who had no pretence to any knowledge on the subject. That is the exact state of affairs; that is the real cause of the resignation of Lord Lonsdale apparently occurring on the day the Government retired, because it was my duty then to conclude that and other matters of the kind when Her Majesty's pleasure was formally known. It was not necessary for me to have resigned at that time; I might have gone on, perhaps, for aught I know, until the next year. If it had not been for the secresy which was necessary Lord Lonsdale's resignation would have occurred before, and would have been followed by a considerable interval, during which the late Government would have been in Office, and no person then could have questioned what was done. Therefore the inference which the hon. Gentleman has drawn, and, perhaps, not without some reason—though these are subjects on which we ought not to draw our inferences too rashly—is exactly the reverse of the truth. It was entirely from these circumstances, from the absolute necessity of keeping the resignation of the Government a secret in order that it might not affect public opinion and the elections, and in order, at the same time, to hasten the formation of the Government of our successors, that Lord Lonsdale's resignation appears to have occurred at the last stage. I have set before the House the real state of the case, and without any reference to my own personal feelings—though I am not insensible to the position in which I should be placed if such an Address as that proposed were carried—I do urge the House to pause before they consent to an Address of this kind. The Motion is formed upon a series of misconceptions, and, so far as I can form an opinion, upon very erroneous views of our constitutional doctrines and Parliamentary practice. As regards the individual case, it is entirely a misunderstanding. The appointment was made, the Prerogative of the Crown was exercised in this instance in a constitutional manner. I trust, therefore, the House will hesitate before it supports this Address. I advised Her Majesty to appoint Colonel Lowther to the Lieutenancies of these counties because it was not in my power to recommend anybody to Her Majesty whom I thought so completely eligible. I should have been happy if I could at that time, with satisfaction to Her Majesty and the country, have made a recommendation which would have prevented these Lieutenancies being united. The hon. Member refers to the language of the Petition, and says it alleges that these honours had been united in the Lowther family for more than 100 years. It is much worse; it is more than 130 years. But surely the hon. Member ought to have deduced from that circumstance a more charitable conclusion. Considering the extraordinary vicisssitudes of the country, the changes of Government, and other alterations that must have occurred in 130 years, there must be some very strong reason indeed that Ministers of different opinions have all agreed, when they have had to incur the responsibility of putting the right man in the right place, as the Lord Lieutenant of the counties of Cumberland and Westmoreland, in finding him in the family of the Lowthers. I repeat, without hesitation, I do not at all accept these general reasons as conclusive in the case I had to decide. I did not originally contemplate that the honours should be united. The difficulty with regard to the Lieutenancy of Westmoreland was that peculiar circumstances rendered a change almost impossible, and with regard to the county of Cumberland I was anxious to postpone for a long time the advice I felt it to be my duty to give to Her Majesty, because I was desirous of effecting some arrangement, such as that which has been referred to by the hon. Gentleman. I could not do it; the advice I gave was not interested advice; I gave it, I believe, in the spirit of the Constitution; and I trust the House will not be induced by the statements of the hon. Gentleman to authorize an interference with the exercise of the Prerogative of the Crown, which is not called for in this case.

Sir WILFRID LAWSON said, he agreed with the right hon. Gentleman that the Motion of the hon. Member for East Cumberland was most extraordinary and unusual; but, at the same time, it referred to a most extraordinary and unusual transaction. After what had taken place in the county of Cumberland, regarding this appointment, he thought his hon. Friend could have done nothing less than what he had done in bringing the matter before the House. The two Petitions which had been referred to, one on each side, showed the interest which was taken in the question in that part of the country. [*Opposition cheers.*] He was glad to find that the opinion was shared in by hon. Gentlemen opposite. He quite admitted that the number of signatures to the Petition, praying the House to take no steps with regard to the appointment was greater than the number of signatures to the Petition on the other side. The right hon. Gentleman seemed to be delighted with the number of magistrates who had signed the Petition praying that no further steps should be taken; but the right hon. Gentleman well knew who had made those magistrates, and probably he would have thought them a most ungrateful set of men if they had not signed that Petition. What he objected to in the appointment was the unusual step of uniting two counties under the Lord Lieutenancy of one and the same person. The right hon. Gentleman had laboured considerably to give reasons why he had taken such an unusual step. This was the only case in England and Wales where two counties are united in a similar manner. ["No, no!"] He had taken pains to inquire into the matter, and believed he was quite correct in saying that there were not two counties united under one Lord Lieutenant. A strong case had been referred to with regard to Rutlandshire and Northamptonshire. When Lord Derby was in Office, and the right hon. Gentleman was in Office along with him, Lord Exeter died, and instead of appointing one Lord Lieutenant to the two counties, Lord Derby gave one to Lord Southampton, and one to Lord Gainsborough. In that case there was a death vacancy. But in the present case the right hon. Gentleman having secured a vacancy, appointed a representative for the retiring Peer. He was sorry the right hon. Gentleman thought so badly of the Conservative party in the two counties that he could not find a suitable man in each to perform the duties of Lord Lieutenant. ["Oh, oh!"] He did not make any personal attack on the hon. Gentleman who had been appointed, for he had never heard anything against him; but he knew some of the gentlemen connected with the two counties, and knew that they contained men well fitted by intellect and character, to fill the office of Lord Lieutenant. He had no intention, nor, be believed, had other hon. Gentlemen who shared his views on this subject, of making a party attack on the hon. Gentleman who had been appointed to this office. That hon. Gentleman was, he believed, respected not only by his own party, but by those who had signed the Petition against the appointment, many of the latter, indeed, thinking that as far as this hon. Gentleman himself was concerned, it was a change for the better; but what he objected to was, that the two counties should be represented by one powerful family. But what was still more objectionable was the mode in which the appointment had been made. The right hon. Gentleman admitted that he was responsible. Of course he was; and that was the reason why the present Motion had been brought forward. It was stated that the resignation had been retarded for the convenience of the right hon. Gentleman, and he would not accept it until the moment he had made up his mind to go out of Office, and he then appointed Lord Lonsdale's nephew, the result of which would be to secure the retention of the Lord Lieutenancy in the hands of the Lonsdale family, which had supported his own party. It had been said that things of this kind had been done by a Liberal Government on a former occasion. That might be true; but the House had nothing to do with that. The occasions referred to were when death vacancies had occurred; but this was a case in which the holder of the Office had been induced to retire in order that his successor might be appointed. He considered this appointment was as unfair as it was extraordinary—as impolitic as it was unprecedented—and he trusted the House would give that redress which his hon. Friend asked for by his Motion.

Mr. STAVELEY HILL, as one who, for the last five years, had been closely connected with the two counties of Cumberland and Westmoreland, wished to inform the House on one point on which they had been led to a wrong conclusion by the speech of the hon. Baronet (Sir Wilfrid Lawson). When speaking of the two offices of Lord Lieutenant and Custos Rotulorum being united in the same person as being something abnormal, they ought to look to these two sister counties as being closely united and treated as one, in a different way from any other two counties in England. They had one police, one Assizes, and the same excellent magistrate sitting as Chairman of Quarter Sessions for both counties; so that it was not fair to talk of the two offices being placed in the hands of one person for two distinct counties, when the two counties were joined together for all county purposes. If that were so, and if these appointments in the two counties could not conveniently be in separate hands, who was there so well qualified to hold them as the head of the Lowther family? Who and what was the Lord Lieutenant? He ought to be either a Peer, or a man of landed property, in a position to be responsible for the peace of the county, and no better man could have been selected than Colonel Lowther, who was heir presumptive to the title. If the two counties were polled from one end to the other he believed the appointment of Colonel Lowther would be endorsed by four-fifths of the inhabitants.

Mr. HODGSON, having the honour of representing one of the divisions of Cumberland, wished to make a few remarks. He was rather surprised that his hon. Friend opposite (Mr. C. Howard) should have altered his front in the face of the enemy. The Notice which he originally placed on the Paper only prayed for an inquiry into the circumstances under which the appointment took place, and if that Notice had been adhered to he might have seconded it, because he was satisfied that every part of the transaction would bear the strictest examination. But instead of that the hon. Gentleman now came forward with an Address to remove the Lord Lieutenant of Cumberland and Westmoreland without any trial, and without his being heard in his defence. The course taken by the hon. Gentleman reminded him of the story told of one of the hon. Gentleman's ancestors who had a border castle, and who was in the habit of hanging people first and trying them afterwards. He objected to such a mode of procedure. He was for letting the accused have a chance of defending himself. It had been said that the 111 magistrates who had signed the Petition owed their appointment on the Commission of the Peace to the late Lord Lieutenant, Lord Lonsdale. But he could state most confidently, as a resident in Cumberland, knowing what went on in the county, that the majority of the gentlemen recommended for the magistracy by Lord Lonsdale had been in opposition to the politics held by that noble Lord. In confirmation of that statement he appealed to the hon. Member for Cockermouth (Mr. Fletcher) opposite. He could assure the House that the Petition presented in opposition to the first Petition was most respectably signed. There were five resident Baronets in the two counties, and four of them signed that Petition; the hon. Baronet opposite, like the last rose of summer, was left blooming alone, as he was the only one of the five who had not signed it. He appealed to the House whether it would be acting according to the Constitution of the country to interfere, in the manner proposed, with one of the Prerogatives of the Crown? They knew that during the reign of Charles I. there were great conflicts between this House and the Crown; but after the Restoration the Acts 13, 14, and 15 of Charles II. confirmed these appointments in the Crown, and since that time there had not, for 200 years, been a single instance of such an interference with the Royal Prerogative. Was the House called upon to interfere upon such trivial grounds now? The first Petition seemed to have been presented on the ground that Colonel Lowther had done him (Mr. Hodgson) the honour to canvass for him, and support him at the late election; but if all the friends who had so supported him were to be subjected to a similar treatment he was afraid he should stand a very poor chance at the next election. The hon. Gentleman opposite had asked that the House should do justice in this case; he echoed that request, and hoped that justice would be done on both sides. The Petition against Colonel Lowther was neither more nor less than a paltry effusion of political animosity, and he hoped the House would treat it as such. The counties of Cumberland and Westmoreland were sister counties, having the same police force, the same lunatic asylums, the same magistrates, and one regiment of Yeomanry for the two counties; many gentlemen were magistrates for both counties, and served upon the grand juries for both counties. It had even been proposed, he believed, by the present Government that they should have one regiment of Militia between them, while it had also been proposed that the Assizes of the two towns should be amalgamated. In two counties so affianced it would be a wonder if there were not one Lord Lieutenant for them both.

Mr. FLETCHER said, he should not have taken part in this debate had it not been that he was appealed to upon a matter of fact by his hon. Friend the Member for East Cumberland (Mr. Hodgson) who had asked him whether it was not a fact that a large majority of the recent nominations to Commissions of the Peace by the late Lord Lonsdale were those of gentlemen belonging to the Liberal party. He (Mr. Fletcher) had often stated in conversation to hon. Members on both sides of the House, that in whatever way the political influence of the Lord Lieutenant had been exercised in bygone days, recently, at any rate, no charge of an improper kind could lie at the door of the late Lord Lieutenant. Some time ago he had taken the pains to look into the list of magistrates of the county of Cumberland, in which he was a resident. At the present day it was difficult to determine what a man's politics were; but, to the best of his judgment, among the last two or three batches of magistrates nominated by the Lord Lieutenant, about two-thirds belonged to the Liberal party. He was opposed to Lord Lonsdale's politics, and he was sitting in that House in opposition to his political influence; but when appealed to by an hon. Gentleman opposite, he felt he was only discharging his duty, and showing a proper respect for that House in bearing his testimony to the facts of the case. He would only further say, with respect to the speech of his hon. Friend who had made this Motion (Mr. C. Howard), that he thought his hon. Friend had introduced the question to the House with a good deal of moderation and dignity, and said nothing whatever which could give the slightest offence to any member of the house of Lowther. He appealed to the hon. Member for East Cumberland whether his object had not been sufficiently answered by the discussion which had arisen, and by the statement of the right hon. Gentleman (Mr. Disraeli) upon the constitutional bearings of the question. The Motion had also elicited from the late First Minister of the Crown an interesting history of the circumstances which led to his resignation, and as it had served this useful purpose he hoped that the hon. Member would not proceed to a division, because if the Resolution were carried it might possibly lead to inconvenience alike to the Government and the Crown.

Mr. E. POTTER said, he held in his hand a list of the magistrates of Cumberland, the honesty of which he could guarantee. He found that there were among the officers of the Cumberland Militia 13 Conservatives, no Liberals, and 12 of doubtful politics, non-resident. In the Yeomanry Cavalry there were 18 Conservatives, 3 Liberals, and 1 doubtful. Among the acting magistrates were 112 Conservatives and 44 Liberals. The roll of the Commission of the Peace showed that there were 134 Conservatives and 20 Liberals. Among the Deputy Lieutenants there were 32 Conservatives and 6 Liberals, so that it was not surprising that the memorial in favour of the appointment was so numerously signed.

Mr. GLADSTONE: Every one who knows my hon. Friend the Member for East Cumberland (Mr. C. Howard) will be aware, that in submitting the Motion which he has done to the House, he has been governed solely by a sense of public duty, and I must own that the combination of circumstances which presents itself to the general eye, and especially to us who have none other but a general knowledge of them, was such as might well attract attention, and even suspicion; but the discussion of this evening has enabled us to disentangle the case, and separate the circumstances one from the other. As the case first appeared the matter stood thus—that after the substantial resignation of the late Government, and before their successors took Office, an appointment was made peculiar in a double sense. It was peculiar, as it formed one of a long series of successions, hereditary in character, though the appointment was not hereditary; and this appointment conferring the first office in each of two counties on the same individual was made by the Administration at such a period as I have mentioned. It was also peculiar because the vacancy did not arise from death, or in consequence of any circumstance independent of choice, but by resignation, and was naturally supposed to have arisen by resignation procured for the purpose. Let us look, Sir, at these circumstances, because I think that various points of great public importance are involved in the discussion besides those connected with the resignation of the Government to which the right hon. Gentleman has adverted. In the first place, we have to consider whether it is desirable that for so long a period of time, which, as my hon. Friend behind me stated, approached to two centuries, the Lord Lieutenancy of a county, which is known not to be an hereditary office, should continue in one family. That is one question of considerable importance. We have only to look back to the history of earlier times in Europe to be aware that most of the hereditary offices have come to be so, not in consequence of deliberate decision, but in consequence of successive appointments being made in the same families. The next point of importance is the union of two counties under one Lord Lieutenant; and the third point has reference to the time of the resignation, and to the suspicion which attended it as having been a matter of arrangement with the Government. With respect to the series of appointments in one family, I must own that I think it very desirable that the opinion of this House—though it need not be expressed in a formal shape—should be understood as being adverse to the creation of a series of appointments such as this in the same family. The right hon. Gentleman the Member for Buckinghamshire had declared his opinion on the point in the strongest terms, and he does not hesitate to say that a series of them ought not to be prolonged in one family. It is hard to say, after the practice had obtained in this case for so long a period, that particular blame attaches to those who at a particular moment follow the example of those who preceded them, and the right hon. Gentleman has done no more than follow the example of a long series of successive Governments. He did not think that the recommendation in favour of the appointment urged by the hon. Member for Coventry (Mr. Staveley Hill) is justified by authority, because he founded himself on Hallam, who, in describing the qualifications for a Lord Lieutenant of a county, lays down the doctrine that the person to be appointed to that office must, in order to be a proper person for it, be a Peer. I assume, however, that the general sentiment of the House, without giving utterance to any opinions painful to the hon. Gentleman holding the office in question, is adverse to the idea that a series of successions of this kind should be indefinitely prolonged in one family. That there should be no such series of successions has been the regular recognized principle of public administration, and how this curious and remarkable exception has grown up I do not pretend to say. I am not aware of a single instance of successive Lords Lieutenant in the same family except under unusual circumstances. I find seven such cases among fifty-five appointments in twenty years, from 1840 to 1859. I never heard of a case where twice over the appointment has been made in the same family after the office became vacant by decease. Any other case like that of Cumberland and Westmoreland we have not on the record of our proceedings, and it is not desirable that we should have. Then the Motion of my hon. Friend directs especial attention to the union of the two counties under one Lord Lieutenant; and one reason why I think it undesirable that he should press his Motion to a division is because it commits the House to the opinion that such a union is inexpedient. That is a point which it would be hazardous to decide without inquiry. The two counties in question are not only neighbouring counties, but there exist in them facilities for economy in the local administration arising from and flowing out of their union. I am not saying that the union is expedient and necessary as a standing institution; but it may be desirable that we should not too hastily condemn it. I must say that I could conceive it possible that in some portions of this country other unions of counties might be devised, but regard must be had to many circumstances—their proximity, for instance, their size, and their population. When we look to the small dimensions and population of some of the counties in this country and Wales, it is impossible not to see that the fractional organization of the police, Militia, and of the county institutions is disadvantageous to efficiency, and leads to expense. I do not say whether it it is possible to take a step forward in the direction of union; but I think it is a matter which we had better leave to be deliberately considered than commit ourselves on it by any expression of opinion. Then we come to the third question, which is connected with the conduct of the Government in this matter, and I am bound to say, without giving any strong opinion on the point, that the doctrine laid down by the right hon. Gentleman with respect to the position of an outgoing Minister requires some qualification; because, if we accept it in the terms in which it was delivered, it amounts to this — that during the period which elapses from the time when resignation is tendered to a time when a successor comes into power there is no change in the position of the outgoing Minister. That doctrine, in my opinion, is just as far from the truth as the unlimited proposition on the other side—that there was no capacity at all remaining in an outgoing Minister to transact Public Business. The truth, in fact, lies betweent he two statements. Much Public Business must be transacted by the outgoing Minister or the public interests would suffer; but we all know that it is a familiar practice of outgoing Ministers to leave behind them a memorandum on this subject or on that, and stating that, on account of the position of the Government, they think it expedient to take no step in the matter, but they leave it to be dealt with by their successors. There is an intermediate region of cases, with respect to which it is in the option of an outgoing Minister to act, and that is in regard to filling up vacancies in offices. This is a matter difficult for the House of Commons to deal with. It must be left to the convictions and feelings of the Gentleman in power, and if there had been in the proceedings of the right hon. Gentleman any matter of a flagrant character, that circumstance would have justified Parliamentary interference. I am, however, bound to say that, whatever appearance of anything of that kind there may have been has been, removed by his explanation. No doubt, so far as I understand the matter, the compliment paid by Lord Lonsdale to the party on this side of the House is not a marked one. But as regards the right hon. Gentleman, if I understand him rightly, I think he goes far to show that there was no stretch of power in the step which he took on this occasion, because it appears that the resignation of Lord Lonsdale had been tendered to him at a very early period—I think I understood him to say immediately, or almost immediately, upon his assumption of Office—that substantially Lord Lonsdale was content to leave his resignation in the hands of the right hon. Gentleman, to be acted upon when the right hon. Gentleman thought necessary or proper. If that be so, and if the right hon. Gentleman is the sole cause why the resignation was delayed until the moment when it assumed an external character of suspicion, I think my hon. Friend will feel we ought not to visit upon the right hon. Gentleman, by dividing this House, the consequences of an act, the whole value of which he might have reaped at a former period if he had chosen. That, I think, is very nearly the whole case as respects the conduct of the late Government, and if that be so, then I think my hon. Friend will be of opinion —I confess it is the conclusion at which I have myself arrived—that there is no case which would warrant us in passing this Motion which would appear to imply a censure on the late Government. At the same time I am quite sure my hon. Friend and the House and the public will derive advantage from this discussion in respect of his having drawn attention to this important question with regard to a *quasi* hereditary succession to a Lord Lieutenancy, and the expression of opinion which has been generally given, and by no one more emphatically than by the right hon. Gentleman himself, that that *quasi* hereditary succession is a thing which is decidedly not desirable or expedient for the public interests. I hope, under the circumstances, my hon. Friend will be inclined to withdraw his Motion.

Mr. C. HOWARD fully admitted that the late Lord Lieutenant had made the Liberal appointments which had been referred to; but, with the known politics of the family, every inclination was shown on the part of those who wished to obtain seats on the bench to consult the family interests. He confessed he should like to take the sense of the House upon this Motion, but with the Leaders on both sides urging him to withdraw, it would be hopeless. He, therefore, withdrew his Motion.

Motion, by leave, *withdrawn.*

COUNTY CORONERS BILL.

LEAVE. FIRST READING.

Mr. GOLDNEY moved for leave to bring in a Bill to amend the Law relating to the office and appointment of County Coroners and for other purposes. The hon. Gentleman explained that he desired to have the appointment of these officials placed in the hands of either the Lord Chancellor or the Home Secretary, instead of continuing the present unsatisfactory state of things.

Mr. CUBITT suggested that this might well form the subject of examination before a Select Committee.

Mr. BRUCE said, he had no objection to the introduction of the Bill, because he admitted the subject deserved consideration, and required legislation. It could not be denied that the present mode of election was cumbrous, expensive, and altogether unsuited to the character of the office. He would not say that it did not secure proper persons for the office, but it did so at a cost often most ruinous to themselves. With respect to the details of the Bill, he could not pledge himself, though he felt much inclined to concur with the hon. Member who had said that the appointment should be anywhere else than with the Crown.

Motion *agreed* to.

Bill to amend the Law relating to the office and appointment of County Coroners; and for other purposes relating thereto, *ordered* to be brought in by Mr. Goldney, Mr. Thomas Chambers, and Mr. Pease.

Bill *presented*, and read the first time. [Bill 75.]

AGRICULTURAL RETURNS.

RESOLUTION.

Mr. PELL rose to call attention to the annual collection of Agricultural Returns and to move a Resolution on the subject.

Mr. BRIGHT hoped the hon. Gentleman would not go on with his Motion, which could not be properly discussed after twelve o'clock. The question whether agricultural statistics should continue to be obtained and in what way might depend on the discussion, and he hoped another Notice would be given for it.

Mr. PELL desired to know whether the Government would grant him a night on which to discuss this subject?

Mr. BRIGHT said he could not promise a night, but he thought there would be no difficulty in bringing the subject on at no very distant Friday night.

Mr. PELL said, he felt it his duty, under the prospect held out to him, to proceed at once. The agricultural statistics obtained annually were very imperfect, and one reason of this was that the returns were of a speculative character. It was stated by Mr. Caird that it would be of the greatest advantage to know what changes in the growth of corn were going on, so that our corn merchants might enter the markets on equal terms with other purchasers. The House accordingly resolved that the collection and early publication of agricultural statistics would be advantageous to the public interest. These statistics had failed in their object because the area was but an imperfect measure of what the fields would yield to the granary. "Man proposes, but God disposes." These statistics had now been collected three years, and if they were of any value they would be used in the offices of the large dealers of corn. He had made inquiries on this subject of two of the largest dealers in home produce in and near Mark Lane. One had never heard of them, and the other had heard of them, but had never made any use of them as a guide to the purchase of grain. In the country he was told by a firm who attended seventeen markets that they never made use of them, and this was also the case at Birmingham. The House would, perhaps, like to know the cost of these statistics, which supplied no basis for guiding the trade. In 1866 the statistics for Great Britain cost £21,388, in addition to a few hundred pounds for circulars. The Government of the day divided them into two portions—one for live stock, and the other for acreage of crops. In 1867 the two Returns were taken together, and the cost was only £13,378. In 1868 it was £14,646. In this year's Estimates it was proposed to take £16,500 for Great Britain, which, added to £3,220 for Ireland, would make nearly £20,000. He would observe, by the way, that until this year an annual Vote for £10,000 only had been taken, and in the intricacies of national account keeping the extra cost was lost sight of by the public. If these statistics were of no speculative value, they might at all events be made of some value as a record of facts and a guage of the productive power of the kingdom. There was no disinclination on the part of the agricultural class to have accurate agricultural Returns; but the Returns for Great Britain were faulty, because they left out all wood, waste land, and garden ground, all which were included in the Irish Returns, and were necessary if the Returns were to be perfect. It would be sufficient, in his opinion, to have a Return every fifth year, because there was very little variation in the average of years in the quantity laid down in different crops, and it would be easy to arrive by approximation at the acreage of a particular crop during the intervening four years. With 57,000,000 acres under tillage in Great Britain, we obtained a Return from only 30,000,000, leaving 27,000,000 unaccounted for; whereas, out of 20,000,000 acres cultivated in Ireland, 15,000,000 sent Returns, leaving only 5,000,000 unaccounted for. There had been a regular decline in the quantity of land sown with corn there; and yet a statistician might easily compute the acreage in any given year from the data supplied. So of green crops, land in fallow, and land sown with clover and seeds. The variation had been regular, and had not been subject to violent changes. It might fairly be expected, therefore, that if a quinquennial return of fact were made, the acreage during the four intervening years might be arrived at very correctly by estimate, and much more cheaply than at present. The hostility of the larger occupiers to agricultural statistics had been not so much to the returns of fact, but arose from the notion that the Returns were ordered by Parliament as some guide to the purchasers of corn during the autumn. They knew that this was fallacious, and there was consequently a disinclination to give information which they knew would be of no use. He moved that the Agricultural Returns now made annually should after this year be discontinued and collected every fifth year, in the place of annually.

COLONEL BRISE, believing that the present Returns were worthless, because incorrect, had great pleasure in seconding the Motion.

Motion made, and Question proposed,

"That the Agricultural Returns, now made annually, should, after this year, be discontinued, and collected every fifth year in the place of annually."—(*Mr. Pell.*)

MR. M'LAGAN said, considering the late hour, and the number of Members who desired to speak on the subject, he felt that the best course he could take was to move that the debate be adjourned.

Motion *agreed to.*

Debate *adjourned* till *Friday.*

ENDOWED HOSPITALS, &c. (SCOTLAND) BILL.—LEAVE.

THE LORD ADVOCATE, in moving for leave to bring in a Bill to make better provision for Endowed Hospitals and Endowed Educational Institutions in Scotland, said, the funds of these institutions were to a large extent applied in modes not adapted to the altered circumstances of the country; and he, therefore, proposed by this Bill that trustees and managers should be allowed to apply to the Home Secretary for provisional orders to revise their rules. The Home Secretary would refer to certain persons, and on their report might sanction the order.

SIR JAMES ELPHINSTONE expressed his approval of the object of the Bill.

Motion *agreed to.*

Bill to make better provision for Endowed Hospitals and Endowed Educational Institutions in Scotland, *ordered* to be brought in by The LORD ADVOCATE, Mr. Secretary BRUCE, and Mr. ADAM.

POOR LAW (SCOTLAND) ACT (1845) AMENDMENT BILL.—LEAVE.

THE LORD ADVOCATE, in moving for leave to introduce a Bill to repeal the thirty-seventh section of the statute eight and nine Victoria, chapter eighty-three, and to make further provision for imposing Assessments under the said Act, said, its object was to place assessments to the poor rate on the same footing as that on which all other assessments stood—that was, upon the gross, and not upon the net rental.

Motion *agreed to.*

Bill to repeal the thirty-seventh section of the statute eight and nine Victoria, chapter eighty-three, and to make further provision for imposing Assessments under the said Act, *ordered* to be brought in by The LORD ADVOCATE, Mr. Secretary BRUCE, and Mr. ADAM.

PARK LANE AND PICCADILLY THOROUGHFARE.

MOTION FOR PAPERS.

Motion made, and Question proposed,

"That there be laid before this House, a Copy of all Correspondence which has passed since the month of February 1865, inclusive, between the Lords of the Treasury, the First Commissioner of Works, the Commissioners of Woods and Forests, and the Metropolitan Board of Works, on the subject of any proposed thoroughfare between Park Lane and Piccadilly (in continuation of Parliamentary Paper, No. 132, of Session 1865)."—(*Mr. Loch.*)

MR. AYRTON objected to the production of confidential communications between the Treasury and the subordinate departments, and therefore he could not assent to the Motion in the terms in which it was proposed; but if it were withdrawn he would have the correspondence examined with a view to the production of all that could properly be laid on the table.

MR. CRAUFURD said, it was unusual to refuse Returns which were merely "in continuation" of Returns already made.

MR. GLADSTONE undertook that, if the hon. Member would withdraw his Motion, all necessary Papers should be laid upon the table.

Motion, by leave, *withdrawn.*

LIBEL BILL.—[BILL 17.]

(*Mr Baines, Mr. Candlish, Mr. Morley.*)

SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [17th March], "That the Bill be now read a second time;" and which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Newdegate.*)

Question again proposed, "That the word 'now' stand part of the Question."

Debate *resumed.*

MR. BAINES said, the Mover and Seconder of the Amendment had intimated to him their intention not to persevere with the Amendment. He therefore begged now simply to move that the Bill be read a second time.

THE CHANCELLOR OF THE EXCHEQUER said, he had no objection to the second reading of the Bill which proposed to amend the Law of Libel. The first clause of the Bill proposed to exempt newspapers from penalties under the existing Law of Libel on proof that the alleged libel was a true and fair report of the proceedings at a meeting lawfully assembled for a lawful purpose, open to reporters for the public newspapers, and at which a reporter was present for the purpose of reporting the proceedings of such meeting for a public newspaper, and that the report was published in such newspaper by the defendant *boná fide* without actual malice, and in the ordinary course of business. The third clause proposed that the speaker of defamatory matter should in certain cases be liable to be sued as if the same were printed and published. The latter clause appeared to him calculated to limit the right of public speech and of freedom of discussion, and therefore he was glad to state that the hon. Member had acceded to his desire that it should be omitted. He had further to suggest the insertion of the following words in the first clause, after the words *boná fide,* "having reasonable respect to private character and to the preservation of decency."

MR. CRAUFURD could not approve the Bill, notwithstanding the alterations suggested by the right hon. Gentleman. He thought the matter should have been left in the hands of the Government to deal with.

MR. BAINES assented to the Amendment proposed by the Chancellor of the Exchequer.

Question put, and *agreed to.*

Main Question put, and *agreed to.*

Bill read a second time, and *committed* for *To-morrow.*

METROPOLITAN COMMONS ACT (1866) AMENDMENT BILL.

On Motion of Mr. THOMAS CHAMBERS, Bill to amend "The Metropolitan Commons Act, 1866," *ordered* to be brought in by Mr. THOMAS CHAMBERS and Mr. LOCKE.

Bill *presented,* and read the first time. [Bill 77.]

OYSTER AND MUSSEL FISHERIES SUPPLEMENTAL BILL.

On Motion of Mr. LEFEVRE, Bill to confirm certain Orders made by the Board of Trade under "The Sea Fisheries Act, 1868," relating to Donibristle (Firth of Forth), and the Holy Loch (Firth of Clyde), *ordered* to be brought in by Mr. LEFEVRE and Mr. JOHN BRIGHT.

Bill *presented,* and read the first time. [Bill 76.]

ADULTERATION OF FOOD OR DRINK ACT (1860) AMENDMENT BILL.

On Motion of Mr. DIXON, Bill to amend "The Adulteration of Food or Drink Act, 1860," and to extend its provisions to Drugs, *ordered* to be brought in by Mr. DIXON, Mr. KINNAIRD, and Mr. GOLDNEY.

Bill *presented,* and read the first time. [Bill 78.]

House adjourned at a quarter before One o'clock.

HOUSE OF COMMONS,

Wednesday, 14*th April*, 1869.

MINUTES.] — PUBLIC BILLS — *Ordered—First Reading*—Hospitals, &c. Rating Exemption* [81].

First Reading—Endowed Hospitals, &c. (Scotland)* [79]; Poor Law (Scotland) Act (1845) Amendment* [80].

Second Reading—Referred to Select Committee—Married Women's Property [20].

Committee—Sunday Trading [5].

MR. MURPHY'S LECTURES.

QUESTION.

MR. SINCLAIR AYTOUN said, he would beg to ask the Secretary of State for the Home Department, Whether he is aware that a proclamation has been issued by Mr. Edward Sholton, Mayor of the Borough of Tynemouth, giving notice that any persons attending the lectures to be delivered by Mr. Murphy at North Shields, on the 5th, 6th, and 7th instant, and who shall pay money for admission to the place where such lectures are to be delivered, are liable to a penalty of £20 under the provisions of Act 39 *Geo.* III., c. 79, s. 15; and, whether, in his opinion, the Mayor of Tynemouth has, by issuing such a proclamation, exceeded his authority?

MR. BRUCE: Sir, I am aware that such a proclamation has been issued by the Mayor of Tynemouth, and I hope that in so doing he has not exceeded his authority, inasmuch as he acted under my authority and by my directions. The Act in question was passed in 1799, and was an Act of extreme severity. It enabled any informer to cause persons to be summoned for delivering lectures in places not duly licensed, and, in that case, the lecturer and owner of the room were liable to a penalty of £100 each, and persons attending the lecture were liable to a penalty of £20 each. By the 9 & 10 *Vict.* this Act was amended, and the power of taking such proceedings was limited to the Law Officers of the Crown. Now, it happened that Mr. Murphy had lately been delivering one of his inflammatory lectures at Tynemouth, and the result was much violence and some bloodshed. He proceeded to some other towns in the North where the good sense of the inhabitants prevented his being accommodated with a room in which to deliver his lectures. Finding that to be the case, he gave notice that he would return to Tynemouth, and the Mayor, under these circumstances, applied to me to know what steps should be taken to prevent the repetition of these dangerous meetings. That being so, I did not hesitate to put in force an Act which I quite admit is one only to be used in extreme cases. The case here was one which, in my opinion, justified its application. Here is a man who, for no good purpose whatever, goes about exciting the peaceful inhabitants of towns in such a way as to lead to acts of violence, creating dissension and disorder wherever he appears; and, as long as there are means of repression known to the law, I think it is the duty of those charged with the preservation of the peace to use them. It was, therefore, under my direction and on my responsibility that the Mayor of Tynemouth made known that all persons attending these lectures would be liable to a penalty.

MARRIED WOMEN'S PROPERTY BILL.

(*Mr. Russell Gurney, Mr. Headlam, Mr. Jacob Bright.*)

[BILL 20.] SECOND READING.

Order for Second Reading read.

MR. RUSSELL GURNEY, in rising to move that the Bill be now read a second time, said, he regretted that the measure was not still in the hands of the hon. Member for Reading (Mr. Shaw Lefevre), to whom, for his advocacy of a similar measure last Session, all interested in this subject must be under the highest obligation. The hon. Gentleman felt, however, that his official duties would prevent him from taking charge of the Bill, and at his request he (Mr. Russell Gurney) had undertaken his duty. The Petitions which had just been presented in favour of the Bill showed not only a great but a growing interest in the question, and at this he was not surprised when he considered the nature of the Bill, and the extent of the injustice which it was designed to remedy. It was now proposed that, for the first time in our history, the property of one-half of the married people of this country should receive the protection of the law. Up to this time the property of a wife had had no protection from the law, or rather, he should say, in the eye of the law it had no existence. From the moment of her marriage the wife, in fact, possessed no property; whatever she might up to that time have possessed, by the very act of marriage, passed from her, and any gift or bequest made to her became at once the property of the husband. Nay, even that which one might suppose to be her inalienable right, the fruit of her mental or bodily toil, was denied her. She might be gifted with powers which enabled her to earn an ample fortune, but, the moment it was earned, it was not her's, it was her husband's. In fact, from the time of her entering into what was described as an honourable estate, the law pronounced her unfit to hold any property whatever. It was true that this state of the law had come down to us from a very early period of our history; but in those days it was accompanied with counterbalancing advantages, and did not bear upon the wife with the same harshness as at present. Property was then almost always landed property; even leases for years were almost unknown: with respect to real property belonging to a married woman, though the husband enjoyed the rents and profits he could not dispose of the land without the wife's consent; and at his death it was once more at the wife's absolute disposal. In return for the husband's rights in the real estate of the wife, she was formerly entitled to dower in respect of his real estate, and by that right of dower enjoyed upon the death of the husband one-third of the rents of all the lands which at any time during marriage he might have possessed. Of this right, by comparatively recent legislation, she had been deprived, and now the state of the law might, with sufficient accuracy, be said to be this—that the husband had absolute dominion over all which, but for marriage, would have been the property of the wife—except that he could not part with the land without the wife's consent—and that he retained absolute dominion over all which at any time during the marriage had been his own. This was the law of England — a law so unequal and so unjust that it could never have lasted to the present day had it not been for the means of evading it, sanctioned and encouraged by our Courts of Equity. The law itself was praised and held up to admiration, and its principle must be contended for as right by those who opposed the principle of his Bill; but the common sense and the right feeling of mankind had revolted against it, and had, as far as they could, worked out a partial remedy, and the strange thing was that while the courts on one side of Westminster Hall upheld the law in all its stringency, the courts on the other side have striven hard, and to some extent successfully, to evade and defeat it. He need not say that the chief mode of defeating it had been by means of marriage settlements. Scarcely a case occurred in which, on the marriage of a woman of fortune, she did not deprive herself of the control of her property, and vest it in trustees for her separate use. The Common Law ignored these trusts, but they were sanctioned and encouraged in equity. But the Courts of Equity had gone much further than this. They had, indeed, proceeded gradually. They first recognized the wife's separate estate in the hands of trustees; the next step was that, if property were bequeathed to a wife during coverture, and the husband could not obtain possession of it except through the intervention of equity, the Court would refuse to interfere unless he recognized the wife's right to have a portion of the property settled upon her. The Court of Chancery was, however, very tender as to the amount it would settle on the wife in such a case; for although a husband might have deserted a wife and be living in adultery, the wife supporting her family, a portion of the property would go to the husband or his creditors; one of the most distinguished of our Equity Judges observing that, though the court would be tender of the interests of the wife and children, it must also consider the wives and children of creditors. The next step taken by the Court of Equity in the interest of married women was to give the wife a settlement upon her application, even where the husband did not require the help of the court to obtain possession of property coming to her. They had since recognized her right to sue and to be sued. What was the meaning of all this? How was it that courts of co-ordinate jurisdiction were thus at variance on what was sometimes described as a fundamental principle of our law, on which our social fabric was said to depend? The House would remember that it was not in some single and accidental case that Courts of Equity stepped in to prevent an unjust operation of the law. It was the principle itself on which they differed. If the doctrine of the Common Law were the right doctrine, then the elaborate system which the Courts of Equity had sanctioned, and even framed, must be wholly wrong. The fact was that as every marriage settlement was a silent protest against the law so did every decree of the Courts of Equity on this subject proclaim their sense of its impolicy and injustice. And it was well to observe that no dissatisfaction was caused by this constant interference of our Courts of Equity. No one complained of the recognition of these trusts—no one complained of the securing to the wife a large portion of a legacy bequeathed to her after marriage—no one complained even of the right given to the wife to sue and be sued. All felt it to be just, and that a partial remedy was thus applied to that which would otherwise be an intolerable wrong; but it was only a partial remedy after all, and the misfortune was the greater because it was a remedy altogether out of the reach of any but the comparatively rich. He supposed that a marriage settlement in the case of a fortune of £200 or £300 was scarcely ever known. Small properties would not bear the expense of a settlement; and the difficulty which persons in a humble position would find in obtaining trustees was almost insuperable, and it was a mere mockery to send such persons to the Court of Chancery for protection. But while scarcely applicable to the case of women with small fortunes, it was wholly inapplicable to that of women earning wages. The last Census showed that there were 3,000,000 of married women in this country, upwards of 800,000 of whom were earning wages, and upon this large class of persons a law, which he might almost say was confessedly unjust, and which would not be endured by the rich if it were not for the relief afforded by our Courts of Equity, bore with unmitigated harshness. The Committee of the last year heard evidence from persons in all classes of life—clergymen, police magistrates, clerks, manufacturers, district visitors, and working men—who were unanimous in their opinion of the impolicy of the law, and the strong feeling which women entertained of its injustice. He would not weary the House with many extracts, but he would refer to the evidence of an intelligent police magistrate, who spoke of the numerous cases which were mentioned to him of women, after being left by their husbands, making, through their own exertions, their homes comfortable, and finding those homes upset by the return of their husbands, who took possession of the whole of their property by virtue of conjugal right. Testimony to the same effect was given by others; but, as to the strong feeling entertained by the working women on this subject, he would refer the House to the important evidence given by the hon. Member for Sheffield (Mr. Mundella) who had 2,000 women earning wages in his employment, of whom two-fifths were married. That hon. Member stated that he had talked with the poor women on this subject, and the mere mention of it brought tears to their eyes, and one of them told him that she lived in terror lest, upon returning to her home on any occasion, she should find everything she possessed swept away. The feeling of dissatisfaction at the present state of the law was not confined to the wives of the working men, but the men themselves felt the hardship to which their wives were subject; and the hon. Member for Sheffield—than whom no person had a better right to speak with authority on the subject—said he was sure that all the sensible and intelligent working men would be in favour of a change in the law. But even stronger evidence was given on this subject by the secretary of a Co-operative Society at Rochdale, who was examined before the Select Committee. The society consisted of 7,000 members, who were entirely working people, and a great number of married women, registered as shareholders, received the profits derived from their shares. Husbands had sometimes made what was, no doubt, a legal claim, but so strong was the public feeling in Rochdale in support of the payment of those profits to the women that none had ventured to enforce their claim. But what he wished to call the attention of the House to was this—that this society of working men and working women, managed entirely by a Committee of working men, were unanimous in their desire to secure to married women the undisturbed possession of their earnings. He was aware that general statements of this kind hardly produced a strong impression, and he would, therefore, refer to two cases which were very recently investigated in the Court over which he presided. One was the case of Susannah Palmer, from whom he had that day presented a Petition in favour of the present Bill. She was convicted of unlawfully wounding her husband. She had been married to him for many years, during which she had been most brutally treated by him. On one occasion she and her children were turned out of their home by the husband, and had to remain in the street all the night. The only protection she could obtain from the magistrates was temporary and insufficient for her purpose. He would not enter into particulars, but at last it became clear that if she was to have a regard to her single daughter's honour, it was impossible for her to remain together with the daughter under the same roof with her husband. She took another place, and by her own industry and that of her children, she managed to obtain a livelihood, and get a few things together, but no sooner was this done than the husband made his appearance, and claiming a husband's rights, seized the things, sold them, and left her without a bed to lie upon. This did not happen only once — she was, he had almost said, cursed with a spirit of industry and independence, which led her to struggle with her difficulties, and made her worth pursuing. The facts of this case being detailed in court attracted attention, and the result was that a small subscription was raised, a place was taken for her to live in, and some things were got together and put in it; but they could not be made over to her, for, if they were, they would at once become the property of the husband. Everything, therefore, stood in the name of the sheriffs of London, for thus only could be secured to her a home. This woman now craved of the House that protection might be afforded to her, and her hard earnings secured from what she, poor simple woman, in her ignorance of law, described as "robbery." Another case, which had been before the court since he gave notice of this Bill, was that in which a man called Joseph Gray was concerned. He had been sentenced to fourteen years' transportation, and at the end of seven years he received a pardon, on the condition that he should not quit the colony. His wife carried on a small business in this country, and, allowing her affection for her husband to overcome her reverence for the law, she sent the man some money to enable him to come back to England. She soon had cause to regret her conduct, for it was not long before she was obliged to give her husband into custody for assaults on her. She at last was persuaded to allow him 30*s.* a week, if he would keep away from her. This arrangement, however, only lasted for a short time; for he came back to her house, and was in the act of selling her goods, when the police, having learnt what was his position, took him into custody. As this man had been released from a captivity of seven years upon a condition which had been broken, he, as Judge, felt he was only doing what was right in remitting him again to imprisonment for that term of seven years; and, in declaring that punishment, he felt a satisfaction which it was not usual for him to feel in passing a severe sentence, as it was only by that sentence that the peace and comfort of the wife's home could be secured. These cases might be multiplied a hundred-fold. He would venture to say that there was not a district visitor in our crowded towns who had not met with many, and it would be for the House to say whether they would allow a law to continue in force which offered temptation to the strong to oppress, and filled the weak with a sense of injury and wrong. Various modes, some partial and all of them totally inadequate, had been suggested to remedy the evil complained of. Sometimes they were told that they ought to afford increased facilities for divorce; but he did not think that view would meet with the sanction of the House. Sometimes it was said that more power ought to be given to magistrates with regard to orders of protection. That might be a partial remedy, but it would not meet the evil to the full extent. He ventured to say that the only remedy that struck at the root of the evil was to allow the wife to retain her property with the same rights and subject to the same liabilities as her husband. That was the remedy proposed by the present Bill; and, as the measure might not be found in all its clauses to carry out the proposed object, he would suggest, if the House agreed to the second reading, that the Bill should be referred to a Select Committee, where the clauses might be more carefully considered. The principle embodied in the measure had already been recognized in many important parts of Her Majesty's dominions. The Commission engaged in the preparation of a Code for India had reported their opinion that a man should not by the operation of law acquire any interest in his wife's property during her life, but that she should have the same rights over it as if she were unmarried, and should possess full power to dispose of it by will. The Commissioners added that such rights were freqnently reserved to women by marriage settlements. To that Report the names of the Master of the Rolls, of Vice Chancellor James, of the Chancellor of the Exchequer, and of Sir Edward Ryan were appended; and the recommendation thus made had been already carried out in India by the Succession Act. Other parts of the proposed Code had been considered open to question, but on this point no difficulty or hesitation was felt. That fact constituted, he thought, no small authority in favour of the Bill he now recommended to the House. A similar law prevailed in Canada; and the example of that country carried peculiar force with it, because it had enjoyed the opportunity of comparing the old French law on the subject, that prevailed in Lower Canada, with the English law of Upper Canada, and of benefiting by the experience of the United States in the matter; the result was that the English law had been abrogated, and married women allowed to retain the property they possessed before marriage. One difficulty which the Select Committee had to encounter arose out of the liability of the husband for his wife's debts and the maintenance of his children; but it did not appear to the Committee to be necessary to make any alteration of the law in those respects, as the husband was only bound to pay for necessaries supplied to his wife—and her possession of property of her own would negative the supposition of necessity—and, with regard to debts contracted by her, the husband was not liable, unless, in contracting them, she acted as her husband's agent. The presumption of agency might arise from her being the mistress of her household, and also from the fact of the goods ordered being suitable to her condition in life; but it had been decided in a recent case, in which the goods were found to be necessaries, and the wife had not sufficient means of her own for her support, that the husband was not liable because it was shown that the agency had been determined, and that she therefore had no authority to pledge the credit of her husband. The liability of a husband to support his wife and children was, indeed, far less than was imagined; all that it amounted to being a Poor Law liability. With regard to the children, the only liability of the husband was to preserve them from starvation, and this he was bound to do to save himself from the penalties of the Criminal Law. He (Mr. Russell Gurney) would not in the least object to a provision that any liability which Poor Law Guardians had power to enforce against the husband they should be able to enforce also against the wife if she had property of her own. Judging from past debates, he presumed that the first objection to the present Bill would be that it was a revolutionary measure, and that phrase, he supposed, meant that the Bill effected a great change. He admitted that it did, but when it was considered that the course he now asked the House to pursue had been adopted by bodies not very remarkable for revolutionary ideas —the Courts of Equity—the House, he fancied, would not be deterred from supporting the Bill on account of its being called revolutionary. Then, it was said, that there bad wives and foolish wives. Undoubtedly there were, but he believed that the very last ground on which it would be safe for the opponents of the Bill to rest their arguments was the comparative virtues of the two sexes. It was a fact that in all good working people's families the wife was made the treasurer of the household. But it was said that the success of the present measure would be fatal to family and domestic harmony. He confessed that, as a married man, he was almost ashamed to reply to such an argument. He could not understand how anyone who really knew what domestic harmony was could suppose that that which constitutes the glory and the joy of married life depended on the husband having possession of his wife's property, and the power to stop the supplies. It not unfrequently happened that Statesmen had to take "a leap in the dark." They see the extent of an evil—they recognize the necessity of a change, but they have no experience to teach them as to what will be the consequences of the change; but, in the present matter, there was abundance of experience to guide the House in coming to a decision. The law of England on the subject was entirely peculiar, and there was not another civilized land, he believed, in which such a law at present prevailed. There was no such law in France, in Russia, in Prussia, or throughout Germany. It had prevailed formerly in the United States, but upwards of thirty years ago the States began to change it. Vermont took the lead in reform, and all the New England States adopted the change. The new law prevailed throughout the Western States of America, in some of which it had been made part of the Constitution. The only complaint now made was heard in the Southern States, where coloured women lamented that they had, on becoming free, lost the control they formerly possessed over their earnings. In Jamaica he heard, when he was there, that mothers were unwilling that their daughters should marry, because the husbands would obtain power over their earnings; and this was one reason to account for the immoral state in which a large number of the population were living. Nothing could be more conclusive in support of the proposal he now made than the evidence which was given in respect to America, for the Committee were told, by Mr. Dudley Field and others who were very capable of judging, that those who had been the strongest opponents of the new law in that country were now its strongest supporters. But he could not help thinking that the practice in England afforded the strongest possible testimony in favour of the proposition embodied in the present Bill. No wealthy parent allowed his daughter to marry until her fortune was secured to her; no Court of Equity allowed a female ward to be married without a satisfactory settlement. Those who had wealth, and friends were, to a certain extent, already cared for. He asked the House to extend to the poor and the friendless the same protection as the natural affection of the parent in the one case, and a sense of justice on the part of Courts of Equity in the other, afforded to those who were the subjects of their care. He moved that the Bill be now read a second time.

Mr. JESSEL, in seconding the Motion, said, it would be vain for him to attempt to convince the House if it were not already convinced by the admirable speech of his right hon. Friend. This Bill was emphatically a poor woman's Bill, for the rich were already sufficiently well protected. The existing law was a relic of slavery, and the House was now asked to abolish the last remains of slavery in England. In considering what ought to be the nature of the law, they could not deny that no one should be deprived of the power of disposition unless on proof of unfitness to exercise that power; and it was not intelligible on what principle a woman should be considered incapable of contracting, immediately after she had, with the sanction of the law, entered into the most important contract conceivable. The slavery laws of antiquity were the origin of the Common Law on this subject. The Roman law originally regarded the position of a wife as similar to that of a daughter, who had no property, and might be sold into slavery at the will of her father. When the Roman law became that of a civilized people, the position of the wife was altogether changed. She was allowed, as was proposed by this Bill, to have the absolute disposal of her property, and full power of contracting, with the sole exception that her immoveable property was not to be alienated without the consent of her husband. The ancient Germans—from whom our law was derived—put the woman into the power of her husband in the same sense as the ancient Roman law did. She became his slave. The Law of Slavery, whether Roman or English,—for we once had slaves and slave laws in England,—gave to the master of a slave the two important rights of flogging and imprisoning him. A slave could not possess property of his own, and could not make contracts except for his master's benefit, and the master alone could sue for an injury to the slave; while the only liability of the master was that he must not let his slave starve. This was exactly the position of the wife under the English law; the husband had the right of flogging and imprisoning her, as might be seen by those who read Blackstone's chapter on the relations of husband and wife. She could not possess property—she could not contract, except as his agent; and he alone could sue if she were libelled or suffered a personal injury; while all the husband was compellable to do for her was to pay for necessaries. It was astonishing that a law founded on such principles should have survived to the nineteenth century. The reason was because the laws of this country were made by the rich and for the rich, and wealthy women had no cause of complaint in England. They received here better treatment in regard to their property and rights of contract than in any other country with the laws of which he was acquainted. When a daughter of Belgravia married she had a settlement. If the husband owned landed property, he had to secure her out of it pin money and a jointure, and to settle the estate upon the eldest son, and to charge it with certain portions for the other children; and while he did this, the wife retained the separate use of her own property for her life, and it was generally settled upon the children after her decease, and it was also usual to provide that any further property coming to her should be settled in the same manner. This law was nearly 200 years old, and we were entitled, therefore, to argue from experience as to the effects of this method of settlement. Now, he would give the House just one illustration of the manner in which the Law of Settlement was sometimes taken advantage of. It came within his knowledge at a very early period of his professional career. A noble Earl whose Irish estates did not produce an income at all equal to his wants or wishes, married the wealthy daughter of a plain citizen, the large fortune of the lady being settled upon her in the usual way. The happy couple went to the Continent, but, landing at Dover, on their return, the husband was confronted by a sheriff's officer, who took possession of his portmanteaus. The lady's were not touched. When the husband's trunks were opened, they were found to be full of clothes and jewellery of a very valuable description, even for an Irish nobleman, being worth more than £1,000. The joy of the creditor at this capture was but of short duration, for within twenty-four hours he was served with notice of a Bill in Chancery, and the affidavits filed in support of it stated that the seized goods were purchased by the wife and with her money, that the invoices were made out to her, that the receipts for payment were given to her in her name, and that the husband had signed a paper declaring that the articles in question were only lent to him during the will and pleasure of his wife. Upon that statement the Vice Chancellor granted an injunction. He (Mr. Jessel) was counsel for the creditor, and in the face of these facts was obliged to advise him to give up the articles and submit to the injunction, and to ask the Countess to let him off the costs, which her ladyship was good enough to consent to. The case was kept out of the newspapers; the noble Earl walked about London in his wife's coat and trousers, and probably not one of his friends at the club or in the park ever suspected that the nobleman's "outer man" belonged to his wife. This showed what might, under extreme circumstances, happen, though he did not say that it was a common case. He supported this Bill because he believed it would raise the position of the wife without injury or injustice to the husband. This Law of Settlement had done no harm among the rich, and a law analogous to it could do no harm, but would do great good, among the poor. He thought he had clearly shown that in this Bill there was really no new law. It simply proposed to return to what was the law of the civilized world before the incursion of barbarians brought back slavery and darkness. The experience of the Roman law for ages, of the law of England in regard to marriage settlements for 200 years, and of the law of Canada and the United States during the last fifteen or twenty years might be cited in its favour, and was not that a sufficient amount of experience upon which to found an Act? In the debate last year, it was argued by the opponents of the Bill that under the present law the wife enjoyed perfect immunity from the payment of her debts; but the fact was, she gave up everything and got nothing, and that was called immunity. Again, it was said that the husband gave the wife protection and support in return for confidence. But it was too often protection such as a great orator said the East India Company gave to the native princes of India —"such protection as vultures give to lambs, covering and devouring them." Then it was said that the law had worked well in practice. But that was always the argument when great and useful reforms were advocated; the same plea had been advanced in favour of slavery itself. Again, it was argued that after marriage the wife might be influenced to make over her property to her husband; but, even so, she would be no worse off than at present; if she was coaxed out of her money, at any rate she would get the benefit of the coaxing. But the Roman law, he might observe, did not recognize irrevocable donation between the husband and wife, and, if thought desirable, some such provision could be introduced into this Bill. To the argument that they should not legislate for indolent, reckless, and improvident husbands—that they should not legislate for the few—he replied that they always did and must legislate against the minority, for the benefit of the majority. It is the minority who steal, rob, and murder. To the argument that the wife might protect her husband's property against his creditors, he replied that a provision in the Bankruptcy Law could easily be framed to meet such a case; and at any rate there was no more reason to apprehend this practice from the wives of poor men than from those of rich ones. It had been also said that the Bill would cause discord and immorality. The learned Recorder had refuted the argument as to discord. As to immorality, he would admit that he had known two or three cases in which a wife had used her separate property to maintain an adulterer. These instances were, however, very rare, and, after all, they were simply giving the wife her own property by this Bill. But if this were an objection to the Bill, were its opponents willing to act in the analogous case, and were they willing to deprive the husband of his own property because it sometimes was applied to support a mistress? He believed that by passing this Bill they would remove a great grievance under which wives in the humbler classes laboured; that they would raise the status and position of married women in those classes; would procure for them more respect and consideration from their husbands, and would thus be conferring, indirectly, a benefit on the husbands themselves; for oppression degraded and injured the oppressor almost as much as the oppressed. This Bill, too, would do much to save this country from the reproach that was sometimes — and not altogether unjustly—cast upon it, that our poor women were worse treated by their husbands than those of any other civilized country in the world.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Russell Gurney.*)

MR. LOPES, in rising to move that the Bill be read a second time that day six months, said, he was conscious of the difficult task he had undertaken in proposing the rejection of a measure introduced by the right hon. Member for Southampton (Mr. Russell Gurney), but he firmly believed the provisions of the present Bill were distasteful to the majority of the legal profession, and to such of the public as understood its tenour and scope. He objected to it because if it became law it would go far to impair the confidence that ought to exist between husband and wife, and which was the mainspring of domestic happiness. The support of this Bill was put upon a false issue—namely, the protection of the earnings of married women. He was strongly convinced of the necessity of such a measure, and this was no new concession on the part of the opponents of this Bill. Last year the then Attorney General, Sir John Karslake, admitted that this grievance existed, and said that he would concur in any alteration of the law, having for its object the better protection of the earnings of married women. This was also his (Mr. Lopes') wish, but he objected both to the form and principle of this Bill. A large number of those who had signed Petitions in its favour had done so because they believed it to be a poor man's Bill and did not understand its operation. The present law of England was that on marriage, in the absence of a marriage settlement, the personal property of the wife vested in the husband, as well as — to a limited extent — her chattels, and the husband having a right to deal with these while he lived, but not to dispose of them by will. He had also a life interest in the income of her real property, the ultimate destination of which rested with the wife; and by the "courtesy of England" he had a right to a life interest in his wife's estates of inheritance if he survived her and had a child by her capable of inheriting. But he would ask the House to consider the liabilities of the husband under the present law. He was liable for all debts contracted by his wife before marriage, to support his wife and children, to pay her debts, and he was also liable to pay damages for any tort or civil wrong that she might commit. It really came to this, that the wife was at present shielded behind the husband from any hostile interference of the law; and so jealous was the law of the impunity of the wife, that if she committed a criminal offence in the presence of the husband the law presumed that that offence was committed at his suggestion and she was acquitted. The Preamble of the Bill began by declaring—"Whereas the Law of Property and Contract with respect to married women is unjust in principle." He maintained that this was incorrect, and that the law in question was not unjust in principle. It was in accordance with public feeling which recognized the fact that the wife was the weaker vessel, that there ought to be only one head of the house, and that the husband was the proper head, being physically, at all events, better fitted to bear the brunt of the outer world than his wife. The proposed change was to enable the wife to alienate her property as she pleased, to sue and be sued, and to act in every respect as if she were a *feme sole,* or indeed a man; but the husband would still be liable to pay the wife's debts and to maintain their children. In common justice, if the husband had still the liabilities he ought to retain the advantages. How would the Bill work? Take the case of a husband and wife who had each £1,000 a year, and assume that this Bill became law. Suppose they engaged a house, incurred certain liabilities for rent and taxes, and sent their children to school. Who was to pay? The wife might refuse. The person who took the house was most likely the husband, and he, being the contracting party, would be obliged to pay these debts, and to maintain and educate the children, and to pay all the expenses of the household, while the wife would remain behind the scenes, and would not pay a penny. Then, as to the things ordered by the butler or housekeeper. Who was to be liable for them if the husband and wife severally disputed the liability? The female servants were usually engaged by the wife, but she might say her husband was responsible for these also. Then, take the case of a husband married to an extravagant woman to whom he was greatly attached. She would incur, perhaps, enormous debts, and would be sued. Execution would be issued, and when her person was about to be seized the husband must either allow his wife to go to prison or else impoverish her and the children by paying her debts. The hon. and learned Member for Dover (Mr. Jessel) might reply that they were about to do away with imprisonment for debt, but not in all cases, and it would not be contended that persons were in future to be allowed to incur any amount of debt without inconvenience. The punishment would fall on the wife it might be said, but the screw would be put on the husband, and unprincipled creditors would induce the wife to incur extravagant debts, relying upon the affection of the husband. Suppose, again, that the wife had a taste for speculation, and became engaged with bubble companies. If she were threatened with arrest, the husband and the wife and children might be impoverished from his wish to shield her from the consequences of her indiscretion. The Bill, if passed into law, would moreover open the door to fraud. They might have a husband engaged in the grocery and his wife in the millinery trade. The millinery might succeed and the grocery business might fail, and the husband might gradually transfer his capital and the proceeds of the grocery stock to the millinery department. When he stopped payment there would be nothing for the creditors in the grocery, and the husband might retire with his wife into the millinery business. It might be said that the case he was about to mention was an extreme one, but the way to try principles was to push them to their logical results. Suppose a wife the legal owner of a house in which she and her husband lived, what was to prevent her from bringing an action of ejectment against the husband, forcing him to leave, and next day introducing some stranger into it? He only gave this in illustration of the extraordinary defects of this Bill. An unprincipled man may marry a girl with a large sum of money, might treat her kindly for a time, and induce her to convey the whole of her property to him. If he then began to treat her tyrannically she would be worse off under this Bill than if she were protected by a marriage settlement. The hon. and learned Member for Dover might say she would not be worse off than under the present state of the law, but he maintained the contrary, because but for the Bill her property would be tied down by a marriage settlement. A married woman under this Bill would not be liable for her own wrong. Suppose the woman were driving her carriage and ran over some one. The wife must be sued; but if she had no property of her own the injured party would get nothing from her, and it would only be got from the husband by the kind of pressure to which he had alluded. The Bill, so far from being advantageous to the poorer classes, would inflict great hardship and inconvenience on them. Take the case of a journeyman whose affairs took him from home every day, and whose wife was arrested. He would be obliged to stay at home and take care of the children. The Bill would interfere with the wife getting the necessary credit, for tradesmen would hesitate to supply her with the articles requisite for her family unless the husband were there to give the order for the goods. It was said that it was unreasonable to oppose the Bill, because it did nothing more than the custom of all mankind had done by means of laws in other countries and marriage settlements in this. And the Chancellor of the Exchequer in his speech last year said it was the duty of the State to place itself *in loco parentis* to women of the humbler classes, and to take the same precautions on their behalf as a guardian would take for his ward. There was, however, a fallacy in that argument—

> "——————— Pergis pugnantia secum
> Frontibus adversis componere."

It was comparing things which were diametrically opposite in their character. Marriage settlements were not sanctioned by the law in order to protect the wife against the husband, but to protect her against her own improvidence as well as his, and to secure an inalienable provision for their children. This Bill did nothing of the kind, for it left the property absolutely in the hands of the wife, to do exactly what she pleased with it. Therefore, the case of the wife, provided for by marriage settlements, and the provisions of this Bill were entirely dissimilar. Then, again, he believed that in the Court of Chancery, where trusts were created for a separate estate, it was the practice to add clauses against anticipation, of which nothing, of course, would be seen under this Bill. When money, too, came to the wife after marriage, and it was sought to enforce her equity to a settlement, the Court regarded not only the interests of the wife but of the husband, and, more than all, the interests of the children. It was said that the principle of this Bill had answered in America, but he was not of opinion that the success of any particular kind of jurisprudence in America was a criterion that it would answer here. It was like applying the same medicine to two different constitutions—to the infant and the man of mature age. England was an old country with matured habits and confirmed sympathies; America was a new country, with the elastic flexibility characteristic of youth. Rather than look to America he would ask the House to turn its attention to the homes of England, nurtured and fostered under the existing law, and to say where could be found so much domestic happiness, so much conjugal felicity, and so much assiduous care for the offspring of marriage. He was not surprised at the proposal to refer this Bill to a Select Committee, because it was crude and unfit for adoption, and because the Committee which sat last Session had recommended that the subject should undergo further inquiry. If hon. Members would read that Report and the evidence taken by the Committee they would not find a single independent or unprejudiced opinion given by any of the witnesses. Believing that the whole tenour of the Bill was to ignore the authority of the husband, that it would diminish the proper responsibility of the wife, and that it was likely to lead to the formation of a domestic *imperium in imperio*, he opposed the second reading. The spoliation of the savings of the women of the humbler classes by dissolute and idle husbands was an admitted evil which required an adequate remedy; but the way to remedy this special and exceptional wrong was not by introducing a measure which would alter the relation of husband and wife as it was established by every law, human and divine.

Mr. STAVELEY HILL, in seconding the Amendment, said, the Bill might be looked at in its relations both to the upper and richer class of married women, and the lower and poorer class. The former class would be left much in the same position as it was in at present, because of the power of settlement which in the case of women in the upper class was generally exercised, being left untouched by the Bill. It was said, however, that the measure would lead to the protection of wives of the poorer class. For his part, he would most readily support any measure for protecting that class of married women from the spoliation of their savings by their husbands; but that might be done very easily, indeed, without raising the complicated and difficult questions of law that would be raised by this Bill. It would be remembered that when the Divorce Act of 1857 was passed, a clause was inserted in it which provided that a wife deserted by her husband might, on application to a magistrate, obtain an order for the protection of her past and future earnings. All that was necessary was to strike out the words relating to the desertion by the husband from that clause, and then the woman could apply to the magistrate, or, if it were thought better, to the County Court Judge, and the whole matter would be done and a proper protection afforded without the necessity for this Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Lopes.*)

Question proposed, "That the word 'now' stand part of the Question."

Mr. SHAW LEFEVRE said, that though he felt some personal regret at his inability again to take charge of the Bill, he was sure that it had a better chance of success in the hands of his right hon. Friend the Recorder (Mr. Russell Gurney), than whom, from his judicial position and high character, no one was better entitled to the confidence of the numerous heads of families who would be affected by it. He hoped he might be allowed to make a few observations, not on the part of the Government, but of himself. He must congratulate the hon. and learned Member for Launceston (Mr. Lopes), who last year gave an unmitigated opposition to the measure, on his willingness to give some protection to the women of the poorer classes. If, however, his intention was only to protect the earnings of married women on special application to a magistrate, this would be utterly inadequate; but if he was willing to give absolute protection to such earnings, he had certainly made a great, and it was to be hoped would soon make a still further advance. The Select Committee over which he presided last year, took the evidence of a considerable number of persons interested in the subject, but the lateness of the Session did not allow them to go into the details of the Bill. He therefore thought it better to ask the Committee to report generally in favour of its principle, leaving details to be settled by a Committee in the present Session. The Committee had accordingly simply expressed approval of the principle of the Bill. It was essentially a poor woman's Bill, and was designed for the benefit of that large proportion of the population to whom the system of equity and marriage settlements was altogether inapplicable. That system was really one for the rich, while the Common Law, giving all the wife's property to the husband, was one for the poor. It was often urged in defence of the Common Law that the husband was bound to support his wife, and was also liable for her debts; but, as his right hon. Friend had pointed out, the only case in which that obligation could be enforced was when the wife had become chargeable to the parish, the parish authorities being able, under a recent Act, to recover the expense of the wife's maintenance. The wife had no other remedy, and though the husband might have £5,000 a year, she could not oblige him to spend £50 a year upon her. His liability for her debts was likewise of a trifling character; for the law simply placed her in the position of an agent, in the absence of evidence to the contrary, and he might, at any moment, withdraw his authority, and restrict her in any manner he thought fit. Chief Justice Erle, in a case which came before the Court of Common Pleas five or six years ago, said—

> "We consider that the wife cannot make a contract binding on her husband unless he gives her his authority as his agent to do so. When a

plaintiff seeks to charge a husband on a contract made by his wife, the question is whether the wife had his authority, express, or implied, to make the contract; and if the authority is to be implied the presumptions which may be advanced on one side may be rebutted on the other; and although there is a presumption that a woman living with a man and represented by him to be his wife has his authority to bind him by her contract for articles suitable to that station which he permits her to assume, still this presumption is alway to be rebutted."

Mr. Baron Martin, too, had remarked that the presumption arising from cohabitation might be rebutted—the question being one of agency—and that if a husband told his wife he would not permit her to have a particular kind of dress she could not bind him by ordering it; Chief Baron Pollock, in the same case, adding that the apparent result of the authorities was that a tradesman trusting a married woman must take his chance of payment. He could not see, therefore, that the Bill was open to objection, because it did not relieve the husband from his liability with regard to the wife's debts; but if the House thought fit further to restrict that liability he should offer no objection. As to the evidence taken by the Committee, it might, perhaps, be regarded as vague and general; but the reason was that, though evidence was offered on many particular cases of hardship, these were found to involve questions of fact which might have been disputed. A lady, for instance, was anxious to be examined, stating that her husband had taken to gambling, and insisted on taking the receipts of a profession by which she had been earning £400 or £500 a year; but the husband entirely denied the truth of her statement, and she was, therefore, not examined. There was not a single Member of the Committee of last year who was not persuaded that some change was required, and the only question was as to how far that change should go. Several suggestions were made—one of them being an extension of protection orders to cases where the husband was addicted to cruelty, drunkenness, or other misconduct. All the witnesses, however, agreed that this would be inadequate, for, as long as a wife was living with her husband, she would not give publicity to her domestic trials by applying for such an order, and before the application was made her property would have been swept away. As to an extension of the system of settlements—which the hon. and learned Gentleman (Mr. Lopes) preferred to this Bill, on the ground that the latter would not protect the wife against herself—and making them compulsory in the case of the lower classes, the witnesses all stated that that system was quite inapplicable to the poor, who would find great difficulty in obtaining trustees, and who, further, did not want their property to be so tied up that they could not touch the principal. The majority of the Committee were consequently in favour of giving the wife an absolute right to her own property. He was aware that there were difficulties in the way, and that the details of the Bill would require further consideration; but he believed they would eventually be approved, being substantially identical with the statutes of Canada and the United States. As to the maintenance of children, he believed the Poor Law liability resting on the father applied also to the mother; but if this was not the fact he agreed that it should be so applied if the Bill passed. Mr. Dudley Field, however, had stated with regard to the wife contributing to the household expenses:—

> "This is an idea entirely repugnant to Americans. It is not not only enforced, but it is the universal rule established by law, and approved by an unanimous public sentiment, that the husband is to provide for the whole family according to his means, without calling upon his wife for any assistance, whatever her means may be. If he is not able to provide sufficiently for his children, the wife and mother may be compelled to do so by the same process which would be used against him; but she cannot be compelled to provide anything but bare necessaries. It is usual for a wife who is richer than her husband to supply what may be necessary to keep the family in such comfort as her means will warrant, but this is entirely voluntary. I have never heard any change in the law in this respect proposed. It would be offensive to the pride which all men among us have in assuming the responsibility of their families."

Then it was objected that the security of creditors would be diminished under this Bill. His hon. and learned Friend the Member for Dover (Mr. Jessel) had already dealt with this objection. The present law gave the husband opportunity of defrauding creditors by settling property on his wife, but he understood that the Bankruptcy Bill of the Attorney General would provide for this, and the objection on this head was one not of principle, but of detail. Besides that, he might state that the American law was almost identical with the provisions of this Bill, and the American Judges, as appeared from the evidence taken by the Committee, held that the Common Law had not been repealed to a greater extent than the express words of the statute implied; so that for most purposes the husband and wife were still one person, and could not bring actions either of ejectment or of any other kind against each other, nor could the husband make over property to his wife. He could not doubt that our Judges would construe the Act in the same way. The objection that the Bill would create domestic discord was equally applicable to marriage settlements; but hon. Members must be acquainted with many instances of such settlements, and his own experience had not shown him that greater disunion existed in those families than in others. Moreover, there was evidence of the satisfactory working of the new system in Canada and America, and notwithstanding the hon. and learned Gentleman's argument that to apply American experience to England was like prescribing the same medicine to two persons of different constitution—he could see no substantial difference between the two countries. In New England, particularly, home and social relations were precisely the same as in this country, the only difference which had struck him being that the position of a wife was better, and that she was treated with more respect in private as well as in public. Whether this was the cause or the consequence of the change in the law he did not know, but an alteration in the English law might possibly be attended with a like improvement here. In America the law was originally the same as our own, but more than twenty years ago a change commenced, an advantage being that one State could make an experiment, and that if it succeeded others could follow it. New York was nearly the last to adopt the alteration, which had given universal satisfaction. Mr. Atkinson denied that it had promoted division in families, except where the brutality or laziness of the husband had rendered such separation proper; and Mr. Dudley Field had observed no tendency to break up or sow dissensions in families. Mr. Rose, the Finance Minister of Canada, had given testimony to the same effect, and Mr. Welles, a leading Judge of Massachusetts, had stated that in the manufacturing towns many women had been saved from hopeless poverty and slavery. Mr. Hill, an eminent Boston lawyer, after speaking unfavourably of other legal and constitutional alterations made by the same Legislature, said it was a high tribute to the wisdom of the changes made in the laws in regard to married women that they were now so generally approved. He believed the same beneficial result would attend the passing of this Bill, and that, great as the change was, it might be made with safety.

Mr. BERESFORD HOPE divided the question into two imputed grievances —the one that of the needy and the other that of the easy class—and observed that he adopted this phraseology with a purpose. It was not a question between the so-called higher and lower classes—it was not one of pedigree and social distinction; but dealt with the classes to whom their daily living was, and those to whom it was not, of easy acquisition. Every one admitted, to the best of his belief, and was ready to remedy, the grievance of the needy—namely, the misuse of the savings of the hardworking wife—which had formed the principal portion of the Recorder's eloquent and touching speech. The question was, however, whether this Bill would remedy this particular case which all were anxious to meet, or whether it would not—wantonly, as he should say, were the measure in any other hands—import a new element of disturbance into the relations of married life among the easy classes. The hon. Member for Reading (Mr. Shaw Lefevre), the hon. and learned Member for Dover (Mr. Jessel), and the right hon. Recorder of London had held up, as precedents to be followed, the examples of America and of other foreign nations. The hon. Member for Reading had asserted that the relations of married life in the United States were almost identical with those in England. He was not about to raise an alarm cry against Americanizing our institutions; but, without expressing any opinion as to which of the two systems was the better, he must say that the relations of married life in the two countries stood upon an entirely different basis; not only were they not identical, but they were essentially discrepant. What were the facts bearing upon this point? In England indissolubility was the general principle of married life, and divorce was the exception, while in the United States there existed what might be termed free trade in divorce. At a synodical meeting of one of the principal American religious bodies—the Protestant Episcopal Church—a debate arose on the marriage law, the substance of which was admirably recapitulated in *The Times*, although he had himself read it in the original and full report. These meetings, he must observe, of the governing bodies of different denominations in the States had a value as exponents of general social opinion which similar assemblages in England did not possess, on account, both of the absence of any State establishment, and also of the difficulty which beset men of refinement in getting into the temporal legislatures, which did not meet them in such cases. From this it appeared that one gentleman present at the meeting stated that he blushed for the state of public manners in his country, the Law of Divorce being so uncertain that in one State a man might be a married man, in another a bachelor, and in a third a bigamist. Indiana, which was a very flourishing Western State, seemed to be the paradise of discontented spouses, and there divorce was a very simple and exceedingly cheap matter, managed by tribunals corresponding to our petty sessions and County Courts. In Connecticut, one of the most wealthy and best educated of those New England States to which his hon. Friend the Member for Reading specially referred, it was averred, and not contradicted, that about one marriage in ten culminated in a divorce. Under these circumstances, the hon. Member was not justified in asserting that the marriage relations in America were identical with those in this country, although, doubtless, there were millions of happy married people in the former as in the latter country who remained faithful to each other to their lives' end; but it was not for these, but for the unfortunate residuum of ill-assorted husbands and wifes, that they had to legislate. He trusted that he had shown that the whole legal and social relations of husband and wife in the United States were diametrically opposed to those which existed in this country, and therefore it was impossible to argue that because certain laws were suitable to American society their results would be equally successful here. The same observations would apply to the precedent afforded by the practice in continental nations, which had been cited in favour of the Bill. He appealed to the experience of all who had become familiar with the social life of the easy classes in the foreign capitals to say if the cases of husbands and wives living in a condition of virtual separation, neither knowing much about nor caring much for each other, were not vastly more frequent in continental society than in our own? Granting, then, that married life in England was in a more pure and satisfactory condition than either in America or on the Continent, must there not be some reasons for this difference; and where was any reason more likely to be found than in the laws which governed the conjugal relation? To his mind the system, as he found it in England, presented itself as an admirable instance of practical national common sense. There was, on one side, the common law of the absolute right of the husband creating the rule, and, on the other, the liberal elasticity of exception which custom had devised. It was idle to argue that because these exceptions, as such, were so salutary therefore they ought to be raised into being the rule, and would as such continue equally beneficial; for by this process their subordination to other conditions on which their actual success depended would be destroyed, and evils would arise which found no place at present. It might be said that settlements were too expensive—that too many sheets of sheepskin were spent over them—well then abridge the forms, and so cheapen the procedure. If the principle of *séparation des biens* were to be made a rule of law instead of an exception, our whole social relations would be changed. Old-fashioned people like himself were not ashamed to declare that it was written in nature and in Scripture that the husband was and ought to be lord of his household, the regulator of its concerns, and the protector of its inmates, which, if this Bill passed, he would no longer be. He advised the House to leave the question of settlements to be dealt with as now by the friends of the intending husband and wife, and not to interfere with it by making its principle an universally applying law. The present system was one in which confidence and caution were fairly blended; it might be defined as general confidence, regulated according to individual circumstances by sufficient caution, whereas the proposed change would bring into existence a system in which normal mistrust would alternate with spasmodic improvidence. A settlement was at present a regulated drama, in which the parents, the lawyer, and the young couple played the well-known parts. Under the new system it would be a chance-medley, and not unfrequently a hostile encounter. The hon. and learned Member for Dover had told them a good story, and told it very well, of an Irish Lord who had married a rich wife walking unconcernedly among his creditors dressed in his wife's coat. He wondered, however, that the hon. and learned Member had not found out that he was in truth furnishing a very telling argument against his own side. The point of his case was that the noble Lord had been enabled, by reason of the property belonging to his wife, to take off his hat to his creditors and leave them in the lurch. But this was precisely the state of things which the Bill proposed to make reciprocal and general. At present he could only point to one Peer having enjoyed the free use of his wife's coat. But if the law of separate properties were set up, so that the wife became a financial *femme sole* and the husband a legal bachelor, it would become the study of speculative couples mutually to adjust their purchases to the non-use which they made of those purchases, and then what would there be to restrain the constant spectacle of the husband walking about in the wife's coat and the wife in the husband's gown, neither of the articles of dress having been paid for? If the Bill were passed, the present system of retail credit would be revolutionized, and a house would be kept up by a limited company consisting of two partners, neither of whom could be fixed with liability for the debts of the establishment. Such an arrangement would result in either a total suspension of credit throughout the country or in enormous losses on the part of the honest and confiding tradesman, occasioned by organized swindling between unscrupulous married persons. He hoped, therefore, that the House would refuse to pass the Bill in its present shape. A measure calculated to protect the unfortunate wife from the profligate knave would receive his support; but he implored the House not to destroy that marital confidence upon which the marriage laws of this country had been based from time immemorial.

Mr. C. O. MORGAN said, no one who had paid any attention to the subject before the House could come to any other conclusion than that the law of husband and wife was in an unsatisfactory state. If a wife had freehold property the right of the husband was of a very limited extent, and only in the case of there being children would he have even a life interest in it. But if the wife had land on a lease of 1,000 years, the husband might mortgage it, or sell it, or make a present of it to his own relations, or to his mistress. If the wife were possessed of personal property, for instance, of a sum of money in the funds, the right of the husband to it was absolute, after his death it went to his relations, as if it had not belonged to the wife at all. Again, supposing the wife was entitled to personal property in reversion, the right of the husband depended on the accident of whether he lived until the time that the reversion fell into possession. But side by side with this practice of Common Law there had grown up the Equity system, by which a woman was able to acquire all the rights that this Bill would give her. This was a confusion of rights that was not creditable to the code of a civilized country. If the law had worked pretty well for a number of years, to what was it owing that it worked well? Not to the satisfactory state of the law, but to the ingenuity of Judges and lawyers in evading the Common Law. What was the whole doctrine of separate use but an evasion of the Common Law? What was the whole system of settlements but a protest against the injustice of the Common Law? What could be a more monstrous state of things than that there should be two systems of courts, one sitting in Lincoln's Inn, the other in Westminster; the Courts of Common Law ignoring the principles of the Court of Equity, and the Court of Equity engaged in restraining the Common Law. The best of all arguments in favour of the present system was this, that the Common Law was so desperately bad that in nine out of ten marriages of the wealthy class the lawyers were engaged to defeat its operation. It was for exceptional cases that legislation on this subject was required, because it was in exceptional cases that the hardship occurred. The experience of his hon. and learned Friend (Mr. Jessel) must have made him acquainted with many cases where the operation of the Common Law had reduced the wife to beggary. His own experience was of a much more limited nature, but he could give a dozen instances, particularly among the middle classes, in which, simply from the want of some such protection as this Bill would afford, a husband had been able to dissipate his wife's property by extravagance, or something worse. One such case he would mention. He knew a lady who had the misfortune to become mistress of her own property at a very early age. She made what was called a love match—that was to say, she insisted upon marrying one of the greatest scoundrels in the country. She happened to be an illegitimate child, and had no one to look after her interests, and she was allowed to marry without any settlement, so that her whole property passed under the control of her husband. It took that husband just three years to dissipate very nearly the whole of the property, and having accomplished that he absconded with the rest to America, and the unfortunate heiress died in a workhouse. It was true there was nothing in this law, if it were passed, to prevent the lady making a present of her property to her husband after marriage, still less to prevent foolish marriages, but there was a vast difference between allowing persons to injure themselves and allowing the law to injure them. The one they could not prevent—the other they could, and ought. People in the higher classes had their lawyers to look after their interests, but it was the poor who wanted this protection. The Bill would secure to the wife of the poor man the savings of her industry. He wanted to know why the savings of a woman should not be as sacred in the eyes of the law as the savings of her husband. She had probably struggled harder for them than the man. Having said thus much in favour of the Bill, he must be allowed to point out one or two clauses which might require alteration. There was the danger of running into an extreme. It did not follow that because the law, up to the present time, had been too severe, it should, all of a sudden, become too lenient. So long as a woman was stripped of all rights, it was only common justice to exempt her from all liabilities; but, if they gave her these rights, they ought also to impose, a little more definitely than was done by this Bill, certain liabilities which should be inseparable from rights. It might be just to provide that as to certain debts the estate of both husband and wife should be jointly liable, and perhaps in some cases that the estate of the wife should alone be liable. Again, vested interests should be carefully protected, as otherwies those who had advanced money to the husband, or had purchased from him the property of the wife, might lose their security. The latter point was especially of importance, because as he understood the matter, the Bill, in its present shape, would invalidate one-half of the securities held by insurance companies. These, however, were only questions of detail, and did not affect the principle of the measure. The present law had its origin in semi-barbarous and feudal times; it did not obtain in Rome, and it had been condemned by the experience of the United States of America, by the opinion of some of the most eminent jurists here, and by the common sense of the country. He was in favour of the proposed change in the law, because he believed the law required amendment; because he believed it had its origin in semi-barbarous or feudal times; and because he believed that such a law prevailed in no other country of Europe.

Mr. HENLEY said, his right hon. and learned Friend (Mr. Russell Gurney) in introducing this Bill had pointed out that the interests of the married women in the higher and richer classes of society were already sufficiently secured. He (Mr. Henley), however, differed from the hon. and learned Member who had just spoken when he asserted that the object of marriage settlements was to defeat the operation of the Common Law, because the object of such deeds was to prevent the property from being squandered by either the husband or the wife to the prejudice of the rights of the children. The right hon. and learned Gentleman and the other Members who had followed him had attached great weight to the practice that prevailed with respect to this subject in foreign States, but not a word had been said by the right hon. and learned Gentleman upon the social condition of any one of those countries as compared with this country. The hon. and learned Member for Dover (Mr. Jessel) had carried the House back to the days of Rome, and after giving them the name that attached to the condition of a married woman in those times he went on to assert that the conditions of married life were precisely the same now; but he was afraid that if the hon. and learned Gentleman were to apply that name to a married woman in certain societies he would be requested to "prove his words." The right hon. and learned Gentleman said that the object of the present Bill was to protect the earnings of married women who worked for wages; but it was a great question whether it was wise, for the sake of a limited portion of the community, to bring in a general law of this kind that might disturb the whole state of society. He had been surprised at the way in which this question was handled by his right hon. and learned Friend and by the hon. and learned Member for Dover. Unfortunately such was the condition of human nature that they could easily get sensational cases on either side. In arguing this subject it was impossible to escape from the question of mutuality. The right hon. and learned Member dealt very tenderly with the subject of how far the husband was to be released from the wife's debts—he hardly seemed to like to handle it all. The hon. and learned Member for Reading passed over the question with the remark that imprisonment for debt would soon be abolished. The hon. and learned Gentleman seemed to forget that the humbler classes were not exempted from imprisonment for debt in the Bill which had been recently introduced to the House. County Court imprisonment still hung over them, and anyone who had any experience of working men knew that many husbands would be in gaol for debts which they had no means of controlling or stopping. The right hon. and learned Gentleman also touched very lightly upon the liability of the husband to maintain the children, observing that he was only bound to keep them from starving. But it was a very essential part of the matter whether the maintenance of the children was to come out of the husband's earnings solely. If the husband's property and person were to be liable for the wife's debts, he did not see how the wife's property could be exempted from liability for the husband's debts. No one had ventured to get up and say that the relations of married life in other countries where other systems prevailed were better than in this. He for one, believing that a better state of relations did not exist between married persons in those other countries, was not prepared to vote for affirming the principle of the Bill. It appeared to him that this was a very large measure to remedy a limited evil. No one was more ready to admit that there was an evil. The House could not deny it, for they had already recognized its existence by giving, in certain cases, protection to the earnings of married women. It might be that legislation ought to go further in that direction. He did not say that it ought not, and he believed everyone would be glad to see the earnings and property of respectable women protected against the rapacity of unworthy and dissolute husbands; but when it was proposed to meet the case by such a Bill as this, he thought the remedy went beyond the disease; and therefore if a vote were taken, he should not be able to support the Motion of his right hon. and learned Friend.

Sir FRANCIS GOLDSMID said, the result of the discussion so far had been to narrow the differences which at first appeared to exist between the promoters and the opponents of the Bill. It was admitted on all hands that something must be done to protect the earnings of married women, while the objection raised against the Bill was, that it did not adopt the right mode of dealing with the question. If the principle of the Bill was wrong, what had been offered in its place? The only suggestion he had heard of a different principle was that proposed by the hon. and learned Member for Coventry (Mr. Staveley Hill), who recommended an extension of that clause in the Divorce Act which now enabled a wife, after she had separated from her husband, to have protection for her property. The hon. and learned Member suggested that that clause should be extended, so as to apply to women who had not separated from their husbands. But in that case a woman would have no property with which to deal. It was necessary to contemplate the protection of the wife's earnings before she could have the means of acquiring property of her own. To say that a wife's earnings should only be protected in case she separated from her husband would be to make the remedy miserably insufficient, and any remedy which could be supplied under the provisions of the Divorce Act must necessarily be very tardy. The right hon. Member for Oxfordshire (Mr Henley), objected that there was no sufficient mutuality or equality established in this Bill between wife and husband in regard to liability. But there was a clause in the Bill which expressly exempted husbands from liability for the debts contracted by the wife antecedently to the marriage; while, as to debts contracted after marriage, it was already established by law that a husband was only liable for those of his wife's debts which she contracted while acting as his agent. In the same way the wife would, under the proposed law, be liable for debts contracted by her husband as her agent, and therefore there would be mutuality. It was, moreover, laid down in a case by Lord Campbell that a married woman having separate property, and not paying off her own debts with it, would be liable to imprisonment. It had been argued, in opposition to the Bill, that in those countries where a different law from ours prevailed on the subject, the relations of married life were not so satisfactory as they were with us, and marriages were more frequently dissolved. He could not speak as to Connecticut, which had been specially mentioned; but he believed that in most of the States in America marriage was not more easily dissoluble than in this country. They need not, however, go to other countries. No one would allege that in the higher classes of this country, among whom marriage settlements were usual, the marriage relations were less satisfactory than in other classes. Therefore if they did not like to trust to the experience of foreign countries, let them trust to the experience of our own. He did not think that the arguments of his right hon. and learned Friend the Recorder of London had been met by the right hon. Gentleman who had just sat down, or by any of the other opponents of the measure. The Bill might need amendments. His right hon. and learned Friend had admitted that it would require consideration in Committee; but the arguments which had been used against the Motion for the second reading did not affect the principle of the Bill.

THE SOLICITOR GENERAL said, he thought it might be satisfactory to the House to know the views entertained with reference to this Bill by his hon. and learned Friend the Attorney General and himself. First, he felt that the House owed a debt of great gratitude to his right hon. and learned Friend the Recorder of London (Mr. Russell Gurney) for the manner in which he had brought the question forward. He could not agree with the right hon. Member for Oxfordshire (Mr. Henley) that his right hon. and learned Friend's speech was in any way made up of sensational stories or of arguments drawn from sensational sources. He (the Solicitor General) would recommend the House to agree to the second reading of the Bill, and he was not induced to do so by any sensational appeals, or in consequence of the effect produced on his mind by any eloquent and touching story, such as in any country and under any system of laws might be produced for the purpose of affecting the feelings of those who heard it. He ventured to recommend the acceptance of the Bill on this ground—that in truth the state of the law on the matter, apart from the way in which it worked in particular instances was not such as could be satisfactorily defended. There was no parallel for it in the world, and, so far as he had heard, no one had ventured to defend it. They had heard various statements of the effects of the present law, some of which had been said to be sensational and some exceptional; but he would read a statement of what that law was by a great man lately taken from among us, who did not indulge in sensational arguments, and whose conclusions, whatever they might be, were always stated with singular strength and moderation of language. He regretted to say that some persons had not, on all occasions, appreciated the great and genial qualities of that distinguished man's head and heart. He referred to Lord Lyndhurst, and he would rather cite him than some other authorities because his character was a national possession. In a speech delivered by him, in the House of Lords, in 1856, Lord Lyndhurst thus described the law as it affected married women—

> "If a woman is separated from her husband by a sentence of the Ecclesiastical Court, and a legacy is left to her, or if she succeeds to personal property in consequence of intestacy, or in any other way, such property belongs to her husband. He can receive it and generally does so, and he may appropriate it altogether independently of his wife. . . . . Again, if the wife succeeds to real property by devise or by inheritance, to whom does that property belong? The husband occupies it during the lifetime of his wife and may take the income from it, notwithstanding a separation in consequence of his misconduct. But much worse than this, if the wife tries to eke out a scanty subsistence for herself and her children by the exercise of any art in which she is proficient, or by instruction, the husband can seize upon the proceeds of her industry and bestow them upon his mistress. . . . . Let us look at the other side, and mark the position in which every wife is placed. With the exception of a scanty allowance in the shape of alimony, whatever personal property belongs to the husband, he may appropriate as he thinks proper; he may assign it, or bequeath it by will, and leave his wife and children destitute."—[3 *Hansard*, cxlii. 409-10.]

Cases of this kind had come under his notice times out of number. A man married a woman with some small means. He remains with her a short time, dissipates her money, and then abandons her. She struggles on by herself, until by some good fortune she receives a legacy, or by her industry accumulates a little money, when the man re-appears, seizes the property, claims it as his own, and then acts the old part over again until, the money being spent, he finally abandons her. Again, Lord Lyndhurst used these words—

> "There is no reciprocity or equality in such a case. . . . . . Nine-tenths of the marriages in this country take place without any settlements, and are governed, as to rights of property, by the Common Law. . . . . . A wife is separated from her husband by a decree of the Ecclesiastical Court, the reason for that decree being the husband's misconduct—his cruelty, it may be, or his adultery. From that moment the wife is almost in a state of outlawry. She may not enter into a contract, or if she do, she has no means of enforcing it. The law, so far from protecting, oppresses her. She is homeless, helpless, hopeless, and almost wholly destitute of civil rights. She is liable to all manner of injustice, whether by plot or by violence. She may be wronged in all possible ways, and her character may be mercilessly defamed; yet she has no redress. She is at the mercy of her enemies. Is that fair? Is that honest? Can it be vindicated upon any principle of justice, of mercy, or of common humanity?"—[*Ibid.*]

Every word of that he believed to be a perfectly correct exposition of the law, and therefore he ventured to say that, quite irrespectively of cases of individual hardship, no one looking at the law in a spirit of candour would be prepared to defend it. It was said that the upper and richer classes were sufficiently protected by marriage settlements, and, to a certain extent, that was true. He also agreed in the remark that marriage settlements were not made with the distinct and avowed object of evading the law; but obviously the law was not satisfactory in the opinion of those who made marriage settlements, or they would not enter into terms that were in contravention of it. The fact that those parties made the bargains which were the subject of marriage settlements was a strong argument to show that they were not content with the bargains that the law made for them; and, therefore, it was strong as showing that the state of the law was not felt to be satisfactory. Here he must observe that he thought our Common Law had been somewhat hardly dealt with in this discussion. It was said that the Common Law did not operate rightly in respect of personal property; but it should be remembered that when the Common Law took its form personal property was so insignificant as to be almost nothing at all. With respect to real property, the Common Law did protect the wife a great deal more than with regard to personal property, and would protect her still further but for distinctions between leasehold interests and interests in fee, which it required a legal eye to see —he would not say which it required a legal understanding to comprehend —because he was not prepared to hold that they could be comprehended by any understanding. Take the case of a woman with £1,000 a year in fee. She married without a marriage settlement, and yet she had protection by Common Law for her fee. Take the case of another woman who had £1,000 a year on a leasehold interest of 999 years, and on account of which she paid 40*s*. a year to some nobleman. For all conveyancing purposes, the latter woman had as good a title as the former. Indeed, in some respects her title was better than the fee; but for protection it was very different, because she had none at all. This of itself was sufficient to show the Common Law, which was framed under a different state of circumstances, did not provide a remedy for the evils complained of. The action of rich persons—persons who could make bargains for themselves—and the action of the Court of Chancery, which made bargains for those who were under its control, quite different from the bargains which the law of the country would make, showed that the present state of the law was not considered to be satisfactory. The House had the evidence of the Court of Chancery and the evidence of the higher and more educated classes of the country against that state of the law. What was there on the other side? The imagination of the right hon. Gentleman the Member for Oxfordshire—the right hon. Gentleman would excuse him for saying it—that a change such as it was proposed to make by this Bill would have an injurious effect on the relations between husband and wife. Necessarily he had a great respect for any argument coming from the right hon. Gentleman; but in this case he must say that for his objections there was no evidence nor argument whatever. He would not follow his hon. and learned Friend the Member for Coventry into his learned disquisition on what his hon. Friend called the laws of the Ten Tables. When he was at school they were Twelve Tables; but perhaps his hon. and learned Friend was thinking of the Ten Commandments, in the tenth of which no doubt a wife was treated as an article of property, and formed part of a list of things with a man's house at one end and his ass at the other. But he must say that, in his opinion, if a wrong was admitted, it was the duty of the House to at once proceed and apply a remedy co-extensive with that wrong. He declined to treat this as "a poor woman's question." It was "a woman's question." He could not see why a woman's property should not be protected just as much as a man's was. He should therefore support the Motion for the second reading of the Bill, which he believed was substantially the Bill brought in by his hon. and learned Friend the Member for Reading (Mr. Shaw Lefevre) last year. No doubt it would require amendment in Committee; but he understood his right hon. and learned Friend the Recorder of London to say that he would consent to have it referred to a Select Committee. In all these matters there were advantages and disadvantages. There was no Bill, however good, to which there was not some objection; but one ought to give his vote on the side which had the balance of advantages. In this case he thought the balance was on the side of the Bill, and therefore he should support the second reading.

Mr. BARROW said, he wished to see the poor woman protected, but he was anxious that the poor man should be protected also. There was a want of mutuality in the Bill. If it passed in its present shape, the husband might be imprisoned for his wife's debts, while the wife might spend her husband's earnings in opium or anything else, without incurring any legal consequences. It was said that imprisonment for debt was about to be abolished. But a poor man might still be imprisoned for not paying his wife's debts, because his not doing so would be treated as a criminal offence. He wished to call attention to another point in connection with this Bill. If a widow who had several children married again the second husband was bound to maintain those children. But if this Bill became law, and if a separation took place between the parties, the husband would remain liable for the maintenance of his wife's children by another marriage; while the wife would be able to dissipate any property she might possess in any way she thought proper. It was contended that married women had no protection for their earnings; but the fact was that there was now in existence a provision under which a woman could apply to a magistrate for the protection of her earnings.

Mr. LOPES said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read a second time, and *committed* to a Select Committee.

And, on April 22, Committee *nominated* as follows:—Mr. Chancellor of the Exchequer, Mr. Cross, Mr. Solicitor General, Mr. Amphlett, Mr. Headlam, Mr. Scourfield, Mr. Lefevre, Mr. Lopes, Sir John Simeon, Mr. Bentinck, Mr. Jessel, Mr. Jacob Bright, Mr. Pemberton, Mr. Dowse, and Mr. Russell Gurney:—Five to be the quorum.

SUNDAY TRADING BILL—[Bill 5.]

(*Mr. Thomas Hughes, Lord Claud Hamilton.*)

COMMITTEE.

Order for Committee read.

Bill *considered* in Committee.

(In the Committee.)

Mr. T. CHAMBERS proposed some verbal Amendments which were not on the Paper.

Mr. LOCKE suggested that the Committee ought to have some explanation of those Amendments.

Mr. T. CHAMBERS said, that the Amendments were of a verbal character, and tended to make the Bill rather less severe in its operation.

Mr. RYLANDS said, he thought that notice ought to have been given, and therefore should move that the Committee report Progress.

Mr. T. CHAMBERS said, he regretted the Amendments had not been printed; but the fact was that he had not anticipated that they would reach the Bill on the present occasion.

Mr. COLLINS trusted that the Motion for reporting Progress would not be insisted upon, as the Amendments were stated to be of a purely verbal character.

Mr. THOMAS HUGHES said, he could, from his examination of the Bill, confirm the statement of his hon. Friend the Member for Marylebone (Mr. T. Chambers); and, as this was the third year in which the Bill had come before Parliament, he trusted that the Committee would consent to proceed with the measure.

Mr. P. A. TAYLOR said, he thought that his hon. Friend (Mr. Rylands) was perfectly justified in asking the Committee to report Progress, because time ought certainly to be given for the consideration of these Amendments.

Mr. Alderman SALOMONS said, he would advise his hon. Friend the Member for Marylebone, who appeared to be very anxious to proceed with the Bill to-day, to withdraw the Amendments for the present, and to bring them up at a future stage.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Rylands.*)

The Committee *divided*:—Ayes 81; Noes 169: Majority 88.

Mr. LOCKE said, he wished to know the nature of the Amendments which the hon. Member for Marylebone proposed to introduce.

Mr. T. CHAMBERS said, the most important of them consisted of the insertion in line 11, after the word "whatsoever," of the words "or who shall keep open any shop for carrying on any trade or business." This did not, in fact, extend the operation of the Bill.

Mr. LOCKE said, he was not at all sure upon that point. For instance, a man keeping a shop, and residing at the back of it, or above it, might have only one entrance, and during the hot summer months he might wish to sit in his shop to cool himself. If the man were summoned, a magistrate might decide that he had infringed the Act, according to the words which were now proposed to be inserted.

Mr. T. CHAMBERS said, he would withdraw the words.

Mr. THOMAS HUGHES said, he hoped that his hon. and learned Friend would not press the insertion of the words, as there appeared to be some objection to their adoption.

Mr. BRADY said, he trusted that the Committee did not forget the scenes which occurred in Hyde Park some years ago, when Lord Robert Grosvenor introduced a similar measure to the one now under discussion. He regarded the measure as unwise and unjust, and as one which was calculated to weigh with undue severity on the more helpless classes in the country. Hotels were open and public-houses were open on Sunday at certain hours. The rich man could enjoy his cigar at any hour of the day; but the poor man would be prohibited from buying an ounce of tobacco after ten o'clock on Sunday morning, or an ounce of sugar or tea after twelve o'clock on Saturday night.

The CHAIRMAN said, that the hon. Member was out of Order, inasmuch as there was no Motion before the Committee.

Mr. BRADY said, he was about to propose that the Chairman do leave the Chair. The views of the poor, who would be the parties affected by the Bill, had not been considered. The hon. Gentleman the Member for Frome (Mr. T. Hughes) was instigated in the course which he had adopted by certain persons who had amassed money by Sunday trading in the New Cut, and who, having become rich, had also become conscientious. A Bill of such vast importance, not only to the inhabitants of the New Cut, but to the whole community, ought to be introduced—if introduced at all—by the Government, and not by a private Member. He observed that the Bill did not include places with a population under 10,000. If legislation was necessary for London, why not for such places? He did not say that the hon. and learned Gentleman had any object in excepting such places, but it was rather singular that the population of Frome was 9,952. By this management the hon. and learned Gentleman offended none of his present constituents, and supported the views of a certain class of his old constituents in Lambeth. He begged to move that the Chairman do now leave the Chair.

Mr. MUNTZ, in seconding the Motion, said, he believed, from his experience as a magistrate, that the Bill would inflict great hardship upon the rural districts of the country. If an alteration of the law were required a Bill ought to be introduced by the Government. He was in favour of a well considered measure for regulating Sunday trading; but he was able to say, from having carefully examined the Bill, that it was a most wretched attempt at legislation. It was enacted by the Bill that any child sent out—it might be by some old hag—to sell lucifer matches, might, upon a second offence, be fined £20 by the magistrate.

Motion made, and Question proposed, "That the Chairman do now leave the Chair."—(*Mr. Brady.*)

Mr. BRUCE said, that as the action, or rather inaction, of the Government in regard to this subject had been alluded to, he desired to say a few words. The present Government could certainly not be charged with want of boldness in dealing with questions of great public importance; but he did not feel sure that they possessed a sufficient amount of that quality to induce them to undertake, in addition to their other measures, legislation on the difficult question of Sunday trading. It was impossible to deny that there was good reason for dissatisfaction with the laws which had been made to enforce the observance of the Sabbath, the Acts already passed for that purpose being notoriously violated. As regards the present measure, which, to a great extent, was one of detail, he had thought that the best course was to allow its passage through Committee, and to decide, on its coming out of Committee, whether the Government should give it further support at the next stages.

Mr. DOWNING said, he thought the Bill quite unnecessary. It was a piece of class legislation, and would, he believed, give rise to great dissatisfaction. He should support the Motion.

Mr. P. A. TAYLOR said, he thought the operation of the Bill would be decidedly mischievous, for, as the evidence of Mr. Burcham, stipendiary magistrate, showed, Sunday trading was chiefly carried on in necessaries. The Bill would also require most serious changes in the police regulations; but this, of course, would have no weight with his hon. and learned Friend (Mr. T. Chambers), who had declared on a former occasion that he was prepared to see the police force doubled, if necessary, in order to carry out its provisions. If the object of the promoters of the Bill was to make the law more stringent, they had better fall back upon the Act of Charles II., and if their object was to make the law less stringent, they ought to move the repeal of that Act. One evidence of the unsettledness of conviction on this question was that the opposition to this Bill came from opposite quarters. Last year the Bill was rejected on the Motion of an hon. Gentleman classed with Sabbatarians, seconded by himself. This year he had received, in common with other Members, a communication from the Society for promoting the Due Observance of the Lord's Day, which called upon them to throw out the Bill on the ground that it would legalize Sunday trading, The Bill was a tissue of absurdities, and in no respect more so than in relation to the Act of Charles II.

Mr. T. HUGHES said, that the chief parties who opposed the Bill were the Sabbatarians and those represented by his hon. Friend below him (Mr. P. A. Taylor), who thought that every man ought to do as he pleased as to Sunday observance. He had already been called upon some half-dozen times to state why he did not propose to repeal the Act of Charles II. He did not like it, and thought it wrong in principle and bad in detail; but the Act was much valued by a large section of the community, because it was regarded by them as an English recognition of the Levitical law, which they believed to be still binding upon us. He did not agree with these people, but if he were to attempt to repeal that Act, or to interfere with it, more than was done by this Bill, he knew he should find it utterly impossible to do so. As for other objections, it must be remembered that evidence which had been quoted by his hon. Friend (Mr. P. A. Taylor) was given before a Committee on the question of closing public-houses on the Sunday; that subject was not dealt with at all by this Bill, which did not apply to public-houses. If the Bill had been examined, it would have been found that it made no requisition on the police for the enforcement of its provisions. In the Bill he brought forward three years ago, it was proposed to rely on the police; but, on inquiry, he found that in those parts of London in which Sunday trading had become a nuisance, the parochial authorities said—"We do not want the police; we will carry this thing through ourselves; only give us an Act which will work, and we will undertake to carry it out." It might be that there was very little Sunday trading in the district of the worthy magistrate who had been cited; but, if hon. Members would visit for themselves three or four of the centres of Sunday trading within a mile of that House, they would be better able to judge whether something ought not to be done, and that speedily, and whether, if the thing went much further, it would not be too late to do anything at all. As Lord Russell said very truly four years ago, we ran a great risk of losing the Sunday altogether as a civil institution and as a day of rest. It was monstrous to say that under the Bill a child might be fined 20*s.* for selling lucifer matches; but, if that were the interpretation put upon the clause by hon. Members, let them make every reasonable relaxation in Committee. No doubt, it would be well if the Government could take up the matter; their doing so would relieve him of a heavy burden; but, as the Government could not undertake legislation, the House would be acting very beneficially for the metropolis if it passed the present Bill. Nobody could deny that the present state of things in London was exceedingly bad; and it could not be said that this Bill proposed class legislation, because it dealt equally with rich and poor as far as it went. It was true rich men had their clubs; and he sincerely wished that poor men had theirs, and he had done all he could to provide clubs for working men. When he was Member for a district more populous than any other in the metropolis except one, and containing a larger number of poor, he was urged over and over again by a vast majority of his constituents to attempt legislation on this subject which should bring about a better state of things; and if that were class legislation it was demanded emphatically by the very class on whose behalf hon. Gentlemen who opposed him assumed to speak. Let them go forward with the Bill and see in what form it came out of Committee.

Mr. KINNAIRD said, he could not admit that the state of things as regarded Sunday trading was growing worse; on the contrary, he believed that during the last thirty years there had been a great improvement. The habits of the people were formed by imitation of the upper classes, and among these there was certainly less respect for the Sabbath thirty years ago than now. He would himself rather trust to the operation of moral agencies than to legal enactments. This Bill was not the result of aggression on the part of those who were called Sabbatarians; they had done nothing in the way of pressing for legislation; they were rather willing to leave the law as it stood, and to trust to moral means for securing the better observance of the day. He was assured by a resident in Lambeth that Sunday trading was diminishing, that many shopkeepers who formerly kept their shops open all day on Sunday now closed them, and that many who congregated in the New Cut did not go so much to make purchases as to inquire about work and to meet their friends. Of course, he should not object to see these people in the parks on Sunday instead of in the New Cut. But, remembering the bad feeling towards the upper classes occasioned by Lord Robert Grosvenor's Bill, and wishing to attain the desired result rather by moral causes than by force, he deprecated the proposed legislation. It might not be class legislation, but the people thought it was. He would recommend the hon. Member

(Mr. T. Hughes) to withdraw his Bill, and to leave it to the Government to take up the subject if they thought fit to do so.

Lord CLAUD HAMILTON said, there had been an improvement among the upper classes in regard to the observance of Sunday; but the example of the upper classes could not affect those who were not within its influence. Let hon. Members see for themselves that which had been described by the hon. Member for Frome (Mr. T. Hughes), and then judge whether the weekly recurrence of such scenes was creditable to a civilized community. Believing they were not, and that Sunday trading was on the increase, he was in favour of going on with the Bill. He trusted that its effect would be what its author intended.

Sir JOHN TRELAWNY said, he should support the Motion that the Chairman do leave the Chair, because he feared legislation would lead to serious disturbances. In regard to penalties, the Bill would inflict great injustice on the poor. It ought to be more carefully considered, and introduced, if at all, by Government, who are responsible for the peace of the country.

Mr. AYRTON said, that the Motion, which was that the Chairman leave the Chair, would put an end to the Bill, but the House had already decided by a division that it wished to consider the Bill and the proposed Amendments in Committee. He would therefore suggest to the hon. Member for Leitrim (Mr. Brady) to allow his Motion to be negatived, in order that the Chairman might be ordered to report Progress.

Mr. RYLANDS said, he wished the House to understand that he did not object to a measure being passed to prevent the evils of Sunday trading, which undoubtedly existed in many districts. In that respect he differed from some of the hon. Gentlemen who had voted with him, and who were opposed to any legislation on the subject. He (Mr. Rylands) objected to the Bill of the hon. Member for Frome (Mr. T. Hughes), because, whilst it was unduly severe in its operation upon petty offenders, it left untouched the worst and most extensive system of Sunday trading that existed in this country. The licensed victuallers and beer-houses were especially exempted from the operation of the Bill. He (Mr. Rylands) had, during the past few days, looked over the evidence taken before the Sale of Liquor on Sunday Bill Committee last Session — a Committee of which his hon. Friend the Member for Leeds (Mr. Baines) was a distinguished Member—and he must say, after reading that evidence, he had a great difficulty in understanding how a majority of the Gentlemen composing the Committee could arrive at the conclusion expressed in their Report, and could refuse the Report of the minority, which called upon the House to impose considerable restrictions upon the sale of drink on Sundays. He believed the evils arising from this Sunday trading were of enormous magnitude, and he should be happy to support the hon. Member for Frome, and still more the Government, in any general measure for putting down these evils. But the Bill of the hon. Member was a very ill-considered proposal. The penalties it imposed were extremely severe. The hon. Baronet (Sir John Trelawny) had doubted, and the hon. Member for Frome had disputed the assertion of his hon. Friend the Member for Birmingham (Mr. Muntz) in relation to these penalties, but his hon. Friend was strictly correct. It was impossible to dispute the provisions of the Bill, if they were to accept the ordinary interpretation of the English language. In the first clause there was a provision that in the case of a first conviction there should be a penalty not exceeding 20*s*., or less than 5*s*., and the third clause provided in the case of a second conviction that—

> "Such person shall for every such offence forfeit and pay any sum not exceeding 40*s*., nor less than 20*s*., for every separate act of selling, offering, or exposing for sale or delivery on one and the same day."

It is therefore quite clear that under this Bill a poor orange girl might be brought up before the magistrates for the separate sale of twenty oranges, and might be fined £40, and the magistrates would be compelled to inflict a penalty of at least £20. And at the very moment that a poor miserable offender might thus be brought under the penalties of the law, there would be no interference with the trade of the flaring gin palace opening its doors and offering its inducements and temptations to vice and criminality. He (Mr. Rylands) was most anxious to see the Sabbath day preserved for the benefit of the people, and he hoped there were many influences at work tending in that direction; and he should be glad to see proper measures passed to restrict the evils of Sunday trading, but he could not support the infliction of heavy penalties, or a system of Draconian legislation. If the House would take up this question boldly, and support the Government in dealing with a general measure on the subject, they might do much to mitigate evils which now sorely afflicted our population; but he could not regard the Bill of the hon. Member for Frome as being worthy of support.

Question put.

The Committee *divided*:—Ayes 57; Noes 110: Majority 53.

House *resumed.*

Committee report Progress; to sit again *To-morrow.*

HOSPITALS, &C. RATING EXEMPTION BILL.

On Motion of Mr. WHEELHOUSE, Bill to exempt Public Hospitals, Infirmaries, and Dispensaries from liability to rating, *ordered* to be brought in by Mr. WHEELHOUSE and Sir HERBERT CROFT.

Bill *presented,* and read the first time. [Bill 81.]

House adjourned at four minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 15*th April,* 1869.

MINUTES.]—*Sat First in Parliament*—The Right Honourable Sir John Laird Mair Lawrence, Bart., G.C.B., G.C.S.I., Baron Lawrence of the Punjaub and of Gratelу in the county of Southampton.

PUBLIC BILLS — *Second Reading* — *Referred to Select Committee*—Ecclesiastical Courts (2); Clergy Discipline and Ecclesiastical Courts* (26).

Committee—Naval Stores * (33-57).

Committee—Report—Salmon Fisheries (Ireland)* (43).

Third Reading—Railway Companies Meetings * (44), and *passed.*

NEW PEER.

The Right Honourable Sir John Laird Mair Lawrence, Bart., G.C.B., G.C.S.I., having been created Baron Lawrence of the Punjaub and of Grately in the county of Southampton—Was (in the usual manner) introduced.

Mr. Rylands

ECCLESIASTICAL COURTS BILL.—(No. 2.)

(*The Earl of Shaftesbury*).

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF SHAFTESBURY, in moving that the Bill be now read a second time, said*—My Lords, perhaps I may be allowed to anticipate a question which your Lordships may silently or openly put to me—"Why do you, being neither a lawyer nor an ecclesiastic, undertake the charge of such measures as these?" My Lords, had I seen any lawyer or ecclesiastic disposed to enter on this duty, I should have shrunk from it altogether. But I saw none. The lawyers are engaged in much higher Courts than these small and trivial tribunals; nor are they, in fact, much concerned in them. The ecclesiastics, perhaps, are unwilling to propound measures against their clerical brethren, and so reveal the nakedness of the land. But, whatever the cause, no attempt is made to remove acknowledged evils. Yet everywhere there is nothing but indignation and complaints, and the Church is brought into discredit. Every clergyman, it is said, is permitted to speak and act as he pleases. The laity and clergy remonstrate with the Bishops, and the Bishops very justly reply that, in the state of their Courts, it would take half their time, and a large slice of their fortunes, to pursue and punish an "unquiet, disobedient, and criminous" clerk. Yet all remained unredressed. Of my own intentions I gave ample notice in the last Session of Parliament. But it excited no effort, not even a promise; and nothing was done until I had laid my Bill on the table of the House. Then, after an interval, the Archbishop's Bill appeared; and I may fairly say that I find herein an ample justification—and I hope for the same opinion on the part of your Lordships—not only because his Grace has recognized the necessity of legislation, but in the fact that, out of 108 clauses in his own Bill, he has borrowed, in whole or in part, no less than seventy-eight from mine. My Lords, I am fully aware of the arduous character of the question, but still more so of its wearisomeness. It will be, I fear, inexpressibly tedious, both in itself and in my mode of propounding it. And, indeed, there must be something very repulsive in a subject that has occupied and thwarted so many eminent men during the course of more than three centuries. My Lords, I am told by very learned persons that a reform of the Ecclesiastical Courts was contemplated by Archbishop Cranmer, and that, though unfortunately the *Reformatio Legum*, compiled under his directions, never became law, it is a work of great authority, and is frequently referred to in judicial judgments and forensic arguments. Lord Bacon, I believe, may be added to those who made efforts to reform the abuses existing in these tribunals and registries; and similar attempts have been made at various times. Coming down to later days, Lord Folkestone, in 1812, brought the subject under the consideration of the House of Commons, and in the same year Sir William Scott introduced a Bill—but nothing was done upon it. In 1829 a Royal Commission was issued by the Duke of Wellington, then Prime Minister, to inquire into the condition of these Courts, and very extensive reforms were recommended in its Report. Then came the Church Discipline Act of 1840, by which the Church and the clergy are at present governed. In 1847, the then Bishop of London (Blomfield) introduced a Bill for reforming the Courts, which was referred to a Select Committee; it was re-introduced in 1848, and again in 1849, but no measure was passed. In 1856, a measure for the reform of the Ecclesiastical Courts and registries was submitted by the Government of the day to this House, but it was lost on the second reading by a majority of 8;—and it is remarkable that the English Prelates voted unanimously against it, while the Irish Prelates voted unanimously in its favour. Now, to disarm hostility, I wish to state, in the outset, that in this Bill all existing rights are reserved. The duties of the Bishops will remain under it exactly as at present, the simple object being to provide a more efficient means of carrying those duties into effect. The Bill does not destroy the existing Courts, but merely reforms their mode of procedure; and life interests are respected.

Now, before explaining the provisions of the measure, I wish to call your Lordships' attention to the opinions of some very eminent persons as to the operation of the Act of 1840. This Act is the statute under which the clergy are now punishable—

> "In respect of its practical details and phraseology."

Such is the language of a great authority—

> "a more pitiable satire upon law and common sense does not exist."

Again, Sir Herbert Jenner Fust, in 1842, in the case of "Sanders *v.* Head," gave this opinion—

> "Undoubtedly the phraseology of the Act is not such as, unless the Act had been passed in a hurry, would have been permitted to remain. It is clear that the same words are used in different senses in different parts of the Act."

And Dr. Lushington, in November, 1866, in the East Teignmouth case, remarked—

> "The framer or framers of the Church Discipline Act had not the advantage of knowing the Ecclesiastical Law;"

and his Lordship added—

> "the confusion introduced by it knows no limit."

Now, the objects, my Lords, to be obtained by the present Bill are as follows:—1. To cheapen and expedite the modes of procedure; 2. To provide one Superior Judge for the two Provincial Courts of Appeal; 3. To appoint proper Judges for the Diocesan Courts; 4. To provide Juries to try issues of fact; 5. To admit Solicitors to practice on a like footing with Proctors; 6. To retain to the Clergy what in legal language are termed their rights of provocation and recusation; 7. To retain to the Laity their right to promote the Judge's office, apparently taken away by the Church Discipline Act of 1840; 8. To provide safe and proper registries, and place the duties and emoluments of the Registrars on an improved footing. My Lords, I will next fortify my case by the quotation of some high authorities. In 1853, a Committee of the Upper House of Convocation of Canterbury stated in their Report—

> "That they are unanimously of opinion that the present state of the law touching the discipline of the clergy is unsatisfactory, and that it needs amendment. That the great expenses and delays attending such proceedings, which amount frequently to a denial of justice, have not been removed by the recent Acts upon this subject. That the provisions of the last Act, which governs the present administration of the law, are inadequate for their purpose. That the preliminary inquiry under that Act savours too much of an actual trial without its safeguards or conclusion; while it has been doubted whether those provisions, which were intended to govern the actual trial, could safely be used for its conduct."

And they concluded by saying—"It is highly important that such evils should be remedied." In 1856, Lord Chancellor Cranworth, in introducing the Bill which I have mentioned, described the existing system as "cumbrous, dilatory, and expensive," and quoting the case of "Farnell *v.* Craig," he said—

> "The proceedings commenced in March, 1845. The Commissioners, who sat for nine days, no doubt at an enormous expense, agreed upon a report. Mr. Craig was not satisfied with it and brought the case into the Court of Arches in November, 1845, where it remained hung up and pending at an enormous cost until 1847. There was then an appeal to the Judicial Committee, and in March, 1849, four years from the commencement, the Judicial Committee decided there was no ground for the action, and the defendant was set free, subject only to the enormous costs of the suit."—[3 *Hansard*, cxli. 1255.]

Then, in 1859, the Bishop of Killaloe, speaking in this House, used these emphatic words—

> "I believe that the present state of the Ecclesiastical Law and the Ecclesiastical Courts in England tends greatly to uphold the influence of evil by affording shelter to grave delinquents, and obstructing the effectual punishment of immorality and the expulsion of religious error."

But let me now cite the opinion of two very eminent Prelates. In 1861, the then Bishop of London—now Archbishop of Canterbury—said that—

> "An offence might be committed in August, and everyone might be aware of it by reports in the public newspapers, and it might even undergo investigation in other Courts of justice; yet, though no effort might be omitted and the proceedings carried on with all possible rapidity and with no inconsiderable expense to bring the offenders to justice, August might be succeeded by Christmas, Christmas by May, and May might be verging into June, without the public being in possession of the fact that any proceedings whatever had been instituted."—[3 *Hansard*, clviii. 1082.]

But his Grace of York was still more decided and explicit. Speaking, in 1865, in the Convocation of that Province, the Archbishop is reported, in the *Guardian* newspaper, to have said—

> "The mode of proceeding in the Ecclesiastical Courts in dealing with cases led to endless and countless delays, and constant miscarriages of justice; and he knew that if there should be one erring brother, causing a scandal to Christ's flock, out of the many who were doing their duty faithfully, it was not in the power of the Bishop to bring such offender to justice without very long delays and very considerable expense, which had to be borne by himself. First, as to delays, he should like to see the Ecclesiastical Courts, in their rules and proceedings, assimilated to our Common Law Courts; and then it would not be possible for a man to dodge and put off his trial by dilatory pleas, which had to be answered by tedious replications, but upon a certain day he would be brought to his trial, and the public mind would then be satisfied, either of his innocence or of his punishment; the thing would be brought to a close and the scandal removed. With reference to the article of expense, whilst every other Court was maintained by the country, in these cases the Bishop maintained the Court and set the machinery in motion at his own expense. He was aware that in a distant diocese at a distant time the Bishop had a case brought under his notice causing the greatest scandal to the Church, and he was requested to bring the offender to justice. The Bishop, however, replied that he had already spent £4,000 upon another case in the same year, and he was unable to proceed, because he could not bear the cost."

And, my Lords, is that to be blamed? Is it possible that any Bishop should bear the cost of a single prosecution at the present expense? then far less of a series of prosecutions. The Archbishop proceeded—

> "If he had to move in the matter some other parties must take upon themselves the expense. Nothing was then done, and the scandal remained. Such cases as these were practical grievances; they were not frequent, but the evil was a real one. It was not the Court of Final Appeal that erred in these cases. The delays and the expense and the cumbrous procedure of the Ecclesiastical Courts, which had descended to us from past generations, should be swept away, in order that simple justice might be simply done. He would not be thought to wish for more powerful machinery to bear upon the clergy; but he knew that it was the feeling of all the Church, of the clergy, and of the laity, that when a great scandal arose it should be inquired into by a strictly legal examination as to the guilt or innocence of the party accused. Such a power was essential to the safe conduct of the Church, in whose welfare they all took so deep an interest. . . . . . . One necessary provision would be, in any alteration of the Ecclesiastical Courts, that the rules and course of procedure should be assimilated to the Common Law Courts, which worked so well."

Now, the principles thus solemnly enunciated by the Archbishop of York in 1865 have been adopted in the proposed Bill to their full extent, and must, therefore, be most acceptable to his Grace. My Lords, the causes of the failure of the Act of 1840 may be thus briefly stated—1. There is no proper machinery to carry out its provisions; 2. It does not properly provide for making rules and orders in matters of practice; 3. It does not provide an efficient class of Judges; 4. It does not provide for an uniform controlling power over all the diocesan registries, so as to enforce an uniformity of procedure, and to secure an economical scale of fees; 5. It makes no provision for the proper preservation in the registries of the records and other documents belonging to the clergy and laity. The radical defects of this measure were discovered almost immediately after it became law, and in order to rectify its numerous errors the Prelates, in 1847, introduced a Bill into the House of Lords; but it never went further than a Select Committee. It was re-introduced in 1848, again, in 1849, but nothing was done. Successive Governments have expressed their unqualified opinion respecting the disgraceful state of our Ecclesiastical Courts, and notwithstanding that that opinion coincides with the convictions of all disinterested persons in this country, yet such tribunals remain unreformed. My Lords, having proved the necessity, I should hope to your Lordships' satisfaction, I proceed to show the remedies that I propose to institute. In the first place, the Bill provides a cheap and expeditious mode of procedure. Power is given to a Committee of the Privy Council to regulate the procedure and practice of these tribunals, and the system will be, I have no doubt, under their rules, as speedy and inexpensive as process in the County Courts. Secondly, by Clause 16, it provides for a superior Judge for the two principal Courts of Appeal. At present each Archbishop has a Judge or chancellor in his own province; but there really is not business enough for two Judges, and it is desirable that there should be one superior Judge for the two Courts, of rank equal to the Judges of the Superior Courts of Law and Equity. He will be a barrister of fifteen years' standing, or one who has been a Judge of one of the Superior Courts of Law, and by his character and learning will give gravity and value to his decisions. It is also provided, by Clause 23, that the Archbishop or Judge may, upon letters of request, hear and determine a case on the spot where the defendant resides or holds a preferment. This principle has been so successful in the new mode of trying election petitions that it is desirable to introduce it into these Courts. Thirdly, by Clause 104, the Bill provides that Bishops may appoint a barrister of seven years' standing as chancellor or vicar-general. Chancellors were for a long time almost exclusively clergymen; and, generally speaking, the existing chancellors do not possess the confidence of the public, and have not a knowledge of the special law which they profess to administer. Lord Cranworth, discussing their merits, in 1856, said that in nine cases out of ten the chancellor or vicar general was not a properly qualified person; and in his Bill he proposed to take the appointment of them out of the hands of the Bishops and place it in the hands of the Crown. I do not go so far, though I think it would be wise so to do. Fourthly, by Clause 63, the Bill provides for juries to try issues of fact—a proposal which I believe is generally acceptable both to the clergy and the laity, and is certainly in harmony with our Common Law, and with the Constitution of this country. Fifthly, by Clause 121, it admits solicitors to practise in the Courts on the same footing as proctors: they are admitted to every other Court; there is no reason why they should be excluded from these; and it can hardly be expected that barristers would attend these inferior Courts. Sixthly, by Clause 6, the Bill reserves to the clergy their rights of provocation and recusation, which they enjoyed, in reference to episcopal power, for upwards of 300 years, and which were taken away, in 1840, without, as far as anyone can see, any ground whatever why they should be deprived of the privilege. Seventhly, it assures to the laity their right to promote the office of Judge, which the Bishops have assumed—though the point is disputed—to have been taken away by the Act of 1840. I am informed that from the time of Henry VIII. down to 1840, any lay Churchman, from any part of the realm, might institute a suit for a breach of the Law Ecclesiastical, the consent of the Judge being necessary only so far as to make provision for costs and to determine that it was a suit fitted for his Court. I may challenge, as I am told, any Bishop or lawyer, however extensive his learning, to produce a single instance in which such consent was refused during that long period. But listen, my Lords, to the highest authorities. In 1758, Sir George Lee, in the case of "Argar *v.* Holdsworth," said a clergyman might be prosecuted by any one for his neglect of clerical duty. Mark the words "any one;" here is no exception and no power of episcopal prohibition. In 1808, again, in the case of the office of Judge promoted by Bishop, "His Majesty's

Procurator General *v.* Stone," Sir William Scott used these words, which I see no possibility of gainsaying—

> "It is not in the power of the Bishop, by any intervention on his part, to refuse the process of the Court to anyone who is desirous to avail himself of it in a proper case."

My Lords, notwithstanding all this weighty support, I propose, in a spirit of moderation, an abridgment of the layman's right, which, since 1840, has practically been subject to the permission of the Bishop, and I propose it to this extent, that any three householders, being Churchmen, may institute proceedings without such consent, the Judge requiring security for costs. Moreover, to prevent frivolous and vexatious suits, the Court will have the power of inflicting the penalty of costs as between attorney and client; a most satisfactory and effective protection against all useless intermeddling or theological rancour. Eighthly, the Bill deals with registries. Now, had the Bill of the most rev. Primate contained any clause for the regulation of these offices and their officers I should not have touched the question; but a full notice of them is thus unavoidable, and accordingly the Bill provides safe and proper places for the custody of important documents, and establishes the duties and emoluments of registrars on an improved footing. These registries are highly important as the depositories of all the various documents of the diocese, and they ought also to contain authenticated copies of every parish register—registers which may be called the title-deeds of the working-man. They contain likewise the proofs of the rights of the laity to presentation to advowsons, which, in case of the documents being lost, would, in many instances, lapse to the Bishop. Now, their defective state was commented upon by the Ecclesiastical Law Commission, in 1832, but as usual nothing has been attended to. Now, to show the importance of these provisions, I may quote statements from the Appendix to the Report of the Commission of 1832, as examples of the manner in which important documents and records belonging to the clergy and laity have been preserved—

> "Court of Arches.—Records kept in a private house. Bangor.—Not fireproof; as free from damp as such a building can be well rendered. Bath and Wells.—Not fireproof; not quite free from damp. Bristol, at Blandford.—In a private dwelling-house. Chichester, at Chichester.—In a private dwelling-house, not fireproof, but free from damp, and not otherwise safe or commodious. St. David's, at Carmarthen.—In a dwelling-house. Haverfordwest.—'In an under chamber of my own dwelling-house, liable to be destroyed by fire, and injured frequently by mice; tolerably free from damp; safe in no respect.' At Brecon.—'In a dwelling-house; in the event of any fire I cannot say the room is safe.' Ely.—Not fireproof. Exeter.—Consistory Court 'liable to damp.' Glocester.—'Extremely dangerous. It is not fireproof, but built principally of red deal.' Llandaff.—Not fireproof. Lincoln.—Not fireproof; the registrar pays rent for it to the dean and chapter. Oxford.—Not fireproof. Peterborough.—Built by the registrar, attached to his dwelling-house. Rochester.—Not fireproof. Winchester.—Wills from A.D. 1600 kept in the dwelling-house. York.—Not fireproof. Carlisle.—Not fireproof. Chester.—Not fireproof. 'It cannot be said to be absolutely free from plunder.'"

Such is the safe custody of the ecclesiastical documents throughout England and Wales. My Lords, in respect of the registrars, the officers themselves, the Bill proposes that every registrar shall be a member of the legal profession, a solicitor at least; that he shall perform his duties in person—a most indispensable provision—and that, in future, they should be paid by fixed salaries, instead of by fees. With reference to the proposals of the Bill respecting registrars, I may quote from Returns made to the House of Commons, in 1851-3, and from the Second Report of the Select Committee on Fees in 1850. I quote these entries by way of precaution, to justify me in the course I propose, lest what has happened in former days might happen again. I will not, however, mention the names. Now, it appears from these documents that two ladies have held the office of registrar, one of them from the age of five years; that in upwards of ninety cases the official duties of Judges or registrars are discharged by deputies, and that seventeen minors have been nominated or appointed registrars, while in more than fifty instances the age at nomination or appointment, though required, is not given in the Returns—an omission from which an obvious inference may be drawn. I will quote the particulars of some of those seventeen cases—

> "1. One of the joint Registrars of the Episcopal Consistorial Court of is . He was appointed by the Bishop of , on the 24th of June, 1825, at the age of ten years. He has performed the duties of the office by deputy. The income of the entire office is £1,427 8*s.* 9*d.*, derived from fees. 2. In the Consistorial Court of the Registrar is . He was appointed by the Bishop of to that office on the 20th of

July, 1796, at the age of eight years. The duties of the office are performed by deputy, and the income of the office is £495, derived from fees. 3. The Principal Registrar and Keeper of Registers and Scribes throughout the whole of a large diocese is . He was appointed to those offices by , then Bishop of , on the 6th of December, 1817, at the age of 'seven years in reversion and fifteen when in possession.' The duties of the offices have been performed by deputy, and the income and emolument of such offices amount to £860. 4. The Registrar of the Consistory Court of is Mr. . He was appointed by the Bishop of , on the 24th of June, 1825, at the age of six years. The duties of the office are performed by deputy, and the income of the office is £80, derived from fees. 5. The Registrar of the Consistory Court of is . He was appointed by the Bishop of , on the 1st of July, 1793, at the age of five years. The official duties are performed by deputy, and the income is £683, derivable from fees. 6. The Principal Registrar of the Commissary of the Archdeaconry of is : He was appointed by the Bishop in 1824, at the age of three years. The duties have been performed by deputy."

Now, then, hear the strong conclusions of the Select Committee on Fees, who summed up their Report in these emphatic terms—

"Your Committee infer, from the testimony of several of the witnesses, that it is a general practice on the part of the officers of the Ecclesiastical Courts to charge fees to the churchwardens of each parish on the occasion of a visitation either by the Diocesan or the Archdeacon. . . . Your Committee have not found any other warrant for these charges than the practice of making them."

Observe, my Lords, these words—

". . . Your Committee gather, from the whole evidence before them, that the sage precautions of the ancient Civil and Ecclesiastical Law against the undue exaction of fees, their increase, and their multiplication, in these Courts, have practically been disregarded. The tendency to such abuse, which appears to be so unvarying, wherever services are thus remunerated, and no constant supervision is at work to counteract it, has had full scope for development. It cannot even be checked, as to many of these Courts, by the vigilance of the proctor guarding his client against anything like extortion by the officers, since it appeared to be a common practice for the registrars to combine with their official services the performance of a proctor's duties in common form of business. The registrars are also taxing officers of the Courts."

Is it possible to add anything to such forcible statements? Now, my Lords, all these abuses and defects will, I hope, be remedied by Clause 87, which provides for the creation of a Committee of Privy Council, to be appointed by Her Majesty, who shall have power to frame rules and orders for the regulation of these matters and of the procedure and practice of the Courts. I have little doubt that if the system introduced into the Irish Courts is applied to the English Courts the same beneficial results would follow. In 1865 a Bill, with which my Bill is nearly identical, applying to Ireland only, went through this House, and was sent down to the House of Commons, where it was passed almost without opposition, being in charge of the distinguished lawyer, then known as Sir Hugh Cairns, who now, to our honour and benefit, occupies a seat in this House. In proof of the advantages of that change in Ireland I will first cite the testimony of a very distinguished Member of the House of Commons, Dr. Ball, who, in 1866, writing to Mr. Stephens, the eminent counsel and writer on Laws Ecclesiastical, made use of these emphatic words—

"As Vicar General of the Province of Armagh, and as delegate in appeals from other Ecclesiastical Courts, I have now for one year had experience of the machinery of the new ecclesiastical rules and orders; and I find, as regards contentious business in Court, that the very great advantages of cheapness, despatch, and simplicity, have been most effectually obtained; and as regards non-contentious business, that the forms are well drawn, and the accompanying directions exceedingly clear. There can be no doubt that the present system is a great, and for the suitors a most beneficial, improvement upon that for which it was substituted."

Dr. Battersby, Judge of the Provincial Court of Dublin, in a letter I received from him a few weeks ago, says—

"The result of my experience of the Ecclesiastical Courts and Registries Act (Ireland) 1864, is, that it works admirably. The business of the Court in Dublin has increased very much, especially within the last year. The expense of a suit does not amount to one-fourth of what it formerly was, and there is an equal saving of time. The registries are conducted with the greatest regularity and propriety, and I have not heard of a single objection to the working of that Act."

Again, a well-known clergyman of high repute, the Archdeacon of Cork, writing to me on the 30th of last March, says—

"I have been for many years Vicar and Chancellor of the united dioceses of Cork, Cloyne, and Ross, and made Ecclesiastical Law the subject of much study. In the course of my official experience I have had cases of many descriptions before the Court—testamentary, matrimonial, and also of Church discipline—and had reason to regret that the old system involved delay, expense, and in some cases frustration of justice. Since the Irish Act, on which your Lordships' Bill is in some respects based, came into operation, there have been some cases for trial, and the advantages of the new system were most apparent. The simplification and shortening of the proceedings, and the consequent saving in time and cost to the suitors, were most remarkable. A single case, that formerly would have required many months to be decided, was concluded in a few sittings, and the costs diminished proportionally."

With these important and admirable testimonies, I feel assured that the noble and learned Lord (Lord Cairns) will heartily aid me in giving to England all the benefits that have been derived by Ireland from the measure that he himself propounded to the House of Commons. I now turn to the financial arrangements of the Bill, to the scheme whereby the proposed plan may be carried into effect. Lord Cranworth, in the discussion on his measure in 1856—a measure involving greater expenses than the one before your Lordships—said he had been anxious to give the Bishops efficient legal advice, and he found, upon estimating the fees on licenses, and other matters which would come into the common fund, that they would be sufficient to pay the salaries of the chancellors, and other salaries, to keep up the registry with a proper staff, and even to yield an ample surplus. Let me state that the fourteenth annual Report of the Registrar General showed that in England about 20,000 marriages were then annually solemnized by license in church, the public paying about £52,500 for such licenses. Of this sum £12,500 went into the Exchequer for stamps, and the remaining £40,000 was paid in fees to the officers of the Ecclesiastical Courts. The license fees vary in amount in every diocese, ranging, exclusive of stamps, from 22*s.* in Norwich to £2 12*s.* 3½*d.* in Worcester, but averaging, on the whole, £2, though I have taken it considerably below the real level. The annual income derived from fees received by the diocesan Courts and from diocesan business, such as ordination fees, curates' licenses, institutions to livings, &c., was estimated at £19,715. This calculation rested mainly on the authority of Mr. Crickitt, an experienced practitioner of Doctors' Commons, who, having examined all the items mentioned as arising from diocesan business, concluded that the income derivable in England from these ecclesiastical sources, under the Act then proposed, might be estimated at £49,215. Objections were preferred in respect of some smaller items, as to the accuracy of the calculations, but on the whole it appeared that they were substantially correct. It must be borne in mind, too, that while in 1854 the marriages by license were about 20,000, the average number for the seven years preceding 1867 was 20,575; the fees on those 575 extra marriages amounting, at £2 per license, to £1,150. The calculation, then, being brought down to the present day, it is evident that, even assuming the objections to be correct, there is only a difference of £1,241 5*s.* between the original and the objected estimates, so that there would be, if not £49,215, at least £47,973 15*s.* as available for the purposes of the Bill. In this calculation, however, the £10,931 5*s.* payable to the surrogates is not included, as their services are unnecessary, and their tenure is, by no means, in the nature of a freehold. The aggregate thus amounts to £58,905. Now, since 1855, the amount of fees has become much larger, in consequence of Church extension and the increase of population; and the amount will annually increase. These calculations are confirmed by a very high authority, Mr. J. B. Lee, Secretary to the Bishop of London. This gentleman, writing, in 1863, admitted that, while there were some inaccuracies in the smaller details, the estimate, on the whole, was substantially correct. Dr. Bayford, moreover, in 1868, dating his letters from the principal registry of the Court of Probate, stated—"As far as I know, the calculation is quite correct," adding, that Mr. Crickitt's calculations were deemed at the time as accurate as could be arrived at by the proctors who saw them. It is manifest, therefore, that ample funds arising from purely ecclesiastical sources may be made available for carrying into effect an improved system of procedure and practice in all the Ecclesiastical Courts. Many fees, too, pressing hardly on the parochial clergy, might under an efficient system be abolished or reduced, being obviously opposed to the best interests of the Church. Existing ecclesiastical sources, I repeat, would furnish £58,000 per annum for carrying out the provisions of the Bill. There are two Provinces and twenty-seven dioceses to be provided with courts, registries, Judges, registrars, and other officers; and if the twenty-seven courts and registries be put on a proper basis, £27,000—distributed in proportion to their requirements—would be more than ample for the payment of the chancellor, officers, and all other disbursements; but allowing £3,000 per annum for contingencies, the total would be £30,000 a year. There would then remain £28,000 for the maintenance of the provincial Courts, the better preservation of the ecclesiastical records, and other instruments deposited in the registries, the abatement of fees, and the other objects of the Bill. These calculations have been before the public for some time, they have been canvassed and examined, and, though often declared to be untrustworthy, I have never heard anything approaching to a proof that they are in the slightest degree inaccurate. My Lords, the question, no doubt, is uninviting; and I am afraid of wearying your Lordships, but I should not have taken up this matter had I not deemed it absolutely necessary that it should be submitted to public deliberation. In prosecution of the subject, I would call your attention to the opinion given by the Royal Commissioners on the Laws of Marriage, because it has been asserted that they have recommended the abolition of these fees; but their words convey no such intention. They say—

> "If, however, it is considered necessary still to charge fees for the solemnization or for any of the other legal requisites or incidents of marriage (either on account of the difficulty of replacing the deficiency which their abolition might cause in the incomes of some of the parochial clergy, or for any other reason), we think that a uniform table of such fees, upon as moderate a scale as practicable, should be settled by law, and that such fees should not in any case be augmented by the imposition of stamp duties, such as those now imposed in England on common licenses."

They contemplate, therefore, the continued existence of these fees for purely ecclesiastical purposes. Now, my Lords, I cannot help thinking that, if the Commissioners had seen No. 296 of the Rules and Orders of the Irish Ecclesiastical Courts' Bill, they would probably have been of opinion that the proposition which it contains would have entirely met their views. That order is as follows:—

> "In lieu of all other fees and charges for marriage licenses (except special licenses), peers, baronets, knights, esquires, bankers, merchants, members of professions, and other gentlemen, shall pay forty shillings; farmers, master tradesmen, non-commissioned officers, masters and mates of vessels, shopmen, clerks, mechanics, &c., fifteen shillings; labourers, sailors, private soldiers, domestic servants, &c., five shillings."

And I purpose, moreover, my Lords, to adopt the same graduated scale in the rules and orders of my present Bill, fully convinced that such an arrangement will be very acceptable, that it will increase the number of marriages by license, and so add greatly to the funds for all the purposes contemplated in the present measure. This, my Lords, is pretty nearly the measure which I have to submit to your Lordships' consideration. But since I laid my Bill on the table of the House the most rev. Primate has introduced another Bill on the same subject, which appears to me to be not less remarkable for its omissions than for its astounding provisions. Clause 5, for instance, is as follows:—

> "In all trials in a diocesan Court under this Act the Archbishop or Bishop, as the case may be, may preside, assisted by his chancellor or by a lay assessor, duly qualified respectively as hereinafter required, or, in the absence of the Archbishop or Bishop, his chancellor shall preside."

Again, the 7th clause provides—

> "That the Bishop shall, if requested by the defendant, or may without such request, appoint two clerical assessors to preside with the Bishop or his chancellor or lay assessor at such trial."

Now observe that, in accordance with these provisions, the Bishop would have the power to supersede his chancellor, a regularly appointed Judge. The Bishop of London, for instance, might call in two clerical assessors and a lay assessor to supersede his chancellor, Sir Travers Twiss; and be it remembered that lay assessors, to whom the Bishops may have such ready recourse, are not Judges. I need not, I think, say anything further by way of illustrating the impropriety of such a proposal. Then comes the 11th clause, in which there are words relating to provincial and diocesan synods, seemingly with the view of obtaining an indirect legislative sanction to such bodies; and we must, therefore, watch these clauses narrowly; and the 12th, in accordance with which, although it is no doubt intended to promote despatch and economy, there might be two trials by jury on a question of fact before the Bishop and the Archbishop. The juries might give opposite decisions, and the case would go in that form before the Judicial Committee of the Privy Council. I wish, in the next place, to call your Lordships' attention to Clause 29, which proposes the greatest innovation yet made on the rights of the laity. It provides that—

> "If a written information be given to a Bishop that a clerk within his diocese has been guilty of teaching or maintaining unsound or erroneous

> doctrine, or of any offence against the worship, doctrine, discipline, or government of the Church, and such information, being signed by five beneficed clergymen of the Church certifying to the facts alleged therein, amounting to an offence against the Laws Ecclesiastical, and if any such information contain, in the judgment of the Bishop, sufficient *primâ facie* grounds for instituting inquiries respecting the truth thereof, the Bishop shall authorize a suit or other proceedings to be instituted in his diocesan Court by such beneficed clergymen against such accused clerk in respect of such alleged offence."

Now pray observe, my Lords, that under the operation of such a clause as this, a layman cannot even approach the Bishop, in any legal or rightful capacity, much less institute a suit for the purpose of ascertaining whether heretical doctrines had or had not been preached by a clergyman. See the operation of it. Five clergymen, not from the diocese only, but from any part of England, are to attest the evidence and act upon it. If summoned for the purpose, or the fact be known that they are to be present, the evidence will not be forthcoming, for the mouth of the heretical preacher will be stopped; and even after he shall have been convicted of false doctrine by these five clergymen, their decision may be over-ruled by the Bishop. Now this is directly contrary to the decisions of Sir William Scott and the other eminent persons whom I have mentioned. We laymen ask for no new rights; all that we ask for is that we should be allowed to retain those rights which we now possess —rights which have existed since the time of Henry VIII., and in accordance with which it is open to every citizen in the realm, being a member of the Church, to "promote the Judge's office." But this right is now to be taken away from us and vested in clerical hands, even to the extent of excluding the interposition of the Crown. How, I should like to know, can this clause be reconciled with the solemn declaration made by our Bishops at their consecration?—

> "Are you ready," says the Archbishop, "with all faithful diligence, to banish and drive away all erroneous and strange doctrine contrary to God's Word; and both privately and openly to call upon and encourage others to do the same?" Answer—"I am ready, the Lord being my helper."

And here we have, in this Bill, an embodiment of the views entertained of the sacred obligation, to "call upon and encourage others" to such pious undertakings! Going a little further, we find by Clause 31 that three members of the Church, or inhabitant householders, may, without the intervention of the Bishop, institute suits in all matters relating to ceremonies and ornaments; so that in questions concerning Ritualism the laity are let loose, while in questions of doctrine they are altogether set aside; and the same, I doubt not, would be attempted, were success probable, even in respect of the Articles themselves which are parts of Acts of Parliament. Is this just; is this impartial? A man may mount the pulpit; he may utter the doctrines of Voltaire, of Socinus, or Tom Paine, and no layman will be permitted, under any legal rights, to approach the Bishop and demand redress. But while the laity will be denied the power to protest against such monstrous utterances, they are to be at full liberty to prosecute the professors of Ritualism, who, whatever be their demerits, certainly hold the foundations of the faith. Now, my Lords, I call your attention to, and specially that of the Law Lords, to the 79th clause. The 79th clause is in the following terms:—

> "Every Archbishop and Bishop, and his diocesan or provincial chancellor, when presiding in a provincial or a diocesan Court, shall have and exercise the same powers of punishment for contempt of Court, or for contempt of the process of Court, as appertain to the Judges of Her Majesty's Superior Courts."

So that singly, or with his chancellor who, though a barrister of seven years, standing, is not appointed by the authority of the Queen, a Bishop may exercise all the powers with regard to contempt of Court, powers of fine and imprisonment, which are exercised by Her Majesty's Superior Courts of Record. Now, is not this assuming, in a most decided manner, the power of the sword, a power that the Prelates have hitherto disclaimed, but which is now to be taken in all its amplitude? It surpasses all. Here are twenty-seven Bishops seizing at once the powers which the Ecclesiastical Courts do not now possess, that belong only to the Courts of Record, together with a right to exercise singly the authority now only entrusted to the Judges of Her Majesty's Superior Courts. Is this no advance of the clerical domination? Can your Lordships allow the Bishops to possess in their Courts such a power as this —the greatest power that can be well exercised in reference to the liberty of the subject? I will not believe that such a measure can pass your Lordships' House; and even if it should pass I am sure that it will not be ratified by the Commons or the country. But here I will proceed to sum up the imperfections of the most rev. Primate's Bill. In the first place, there is no attempt to reform the registries; secondly, there is no substantial attempt to reform the procedure and practice, nor to shorten delays and cheapen the process; thirdly, there is no provision for the security of the records or for the diminution of the fees which press on the clergy; nor is there any authority given to make rules and orders, except for fees; and without rules and orders the Bill will be like the Church Discipline Act, inefficient and unworkable. There is a great limitation of the rights of laymen, and a great increase of episcopal powers, while there is no provision whatever made for rendering an account to the public of a taxation to the amount of £58,000 a year received from the imposition of fees, all of which are heavy, and many unnecessary; and I cannot better sum up the difference between the two Bills than by reading their respective Preambles. My Preamble is as follows:—

> "Whereas it is expedient to amend the law in the manner of proceeding in suits for the correction of clerks in holy orders; to amend the constitution and alter the procedure and practice of the provincial and diocesan Courts and registries, in order that the same may be rendered simple and expeditious;"—

mark these provisions, my Lords—

> "to reduce and regulate the expenses and costs now charged and payable in such Courts and registries; to abolish, reduce, or re-arrange the fees"—

I lay much stress on these points—

> "on marriage licenses, at visitations, upon letters of orders, consecration of churches, institutions to benefices, and other ecclesiastical instruments and acts, and to make provision for the better preservation of the ecclesiastical records and other instruments deposited in such registries."

Compare this with the following meagre Preamble to the Bill of the most rev. Primate—

> "Whereas it is expedient to amend the constitution of the Ecclesiastical Courts, and the law respecting the discipline of the clergy."

Can anything, even in promise, be less than this? Such, then, is the character of the two Bills; but I must now conclude. My Lords, many persons, I know, desire the total extinction of these Courts; but I should myself be satisfied with the reduction of their number. It might be unseemly to drag clergymen before the Common Law Courts for offences which, though ecclesiastical, are not statutory, for offences against doctrine, for vice and immorality. But the reduction of them, say to six, would be a great benefit. Even then there would scarcely be business enough for these tribunals; but there would then be a power to give larger salaries and secure a higher order of Judges. My Lords, I do not know whether in the proposition of this Bill I shall be more happy than the Lord Chancellor Cranworth, who, in opening his case in 1856, remarked—"I feel bound to say that I have received very little encouragement from the right rev. Prelates." But, indeed, in proposing it I dare hardly appeal either to hopes or fears. If I appeal to hopes I may be supposed to assert that this measure, if successful, will open a new and brilliant career to the Church, so that a thousand evils will be speedily redressed. If I appeal to fear, because "positive anarchy" prevails—an expression used to me by a high ecclesiastical authority—I shall be taken to task by certain noble Lords, who seem to regard the Church as surrounded by every defence that can arise from affection and esteem, her head reaching to the heavens and her roots striking to the very centre of the earth. My Lords, I have but a single desire, and it is—that, in the days of trial which are fast approaching the Church should present as few as possible of assailable points; that she should appear to have been ready to adopt every necessary and wholesome amendment; that the episcopal government should no longer be called in question as allowing everyone to do what is right in his own eyes, and be evil-spoken of as backward to remedy long-proved and notorious abuses in their Courts, their registries, and their churches. The laity desire it for the honour and advantage of the clergy; and to be able to say, in the face of our enemies, that we are marching faithfully in the line of progress, and that whatever may still remain to be done, we have, at least, wiped out the charge of being "a Church without order, and a Church without discipline."

Moved, "That the Bill be now read 2ª."—(*The Earl of Shaftesbury.*)

THE ARCHBISHOP OF CANTERBURY: My Lords, instead of producing a hostile measure, I have been most anxious—the whole Episcopal Bench have been most anxious—to act with the noble Earl in this important matter. The noble Earl was kind enough to send to all the members of the right rev. Bench copies of his Bill, and I and others of my right rev. Brethren have been in consultation and communication with each other in reference to it, and we thought it would be desirable to produce another Bill, which might go *pari passû* with his to a Select Committee. I can assure the noble Earl that in the course we have taken we have not been actuated by the slightest disrespect for him; and, indeed, I believe the noble Earl is actuated by the highest motives in bringing this subject under the consideration of your Lordships' House. When the noble Earl first spoke of the Bill which I shall have the honour to lay upon the table, he mentioned a fact which requires a little explanation—especially when your Lordships consider the way in which my Bill was characterized at the end of the noble Earl's speech. I understood him to say that seventy-eight out of the 108 clauses of my Bill are identical with clauses in his own. Well, if such be the case, I submit that my Bill cannot be so very bad, even in the estimation of the noble Earl himself. But I ought to explain how it happens that my Bill so closely resembles that of the noble Earl. My Bill is not a concoction of the last few months; it has been in my custody since the year 1863. How does it happen, then, that seventy-eight of its clauses have found their way into the noble Earl's present Bill? In point of fact, the right rev. Bench have been considering this subject for a very long time, and it has not been owing to any want of patient attention that we have not laid some measure before your Lordships long ago, for I have a drawer full of Bills prepared with great care to meet this difficulty. With regard to the other clauses, if these Bills be referred to a Select Committee, I can assure the noble Earl that I and my right rev. Brethren shall be most anxious to give our most serious consideration to the objections which the noble Earl has raised, and to give way at once if these objections appear to be well-founded. I will not, however, enter into these points just now. Your Lordships will allow me to say that, among the many difficulties which beset the treatment of this subject, is the following;—There is no doubt that a somewhat undesirable state of things exists as to Church discipline in this country,—I have acknowledged the fact continually—but it is not quite correct to say that this undesirable state of things is caused solely by the condition of the Courts. The state of the law administered in the Courts creates as much difficulty as the state of the Courts themselves, and unless the law is in some respects revised you may make your Courts as perfect as you please, but great difficulties will, nevertheless, exist. Moreover, experience very often proves that when new Courts are constructed, even with the utmost care, and when there is every expectation that the proceedings will be very brief in them, and the expenses very small, the law still remains the law, and questions which ought to be decided very summarily linger in the Courts for a long time. I have heard it said that under some new modes of procedure lately adopted the expenses have not been nearly so much reduced as it was anticipated they would have been. Therefore, although I anxiously desire that these Courts should be improved, I cannot feel perfectly certain that all the good results indicated by the noble Earl will follow the adoption of either his measure or mine. Even after we have done our best to reform these Courts, it is possible that there may still be considerable delay and expense in attaining the ends of justice. That seems at first sight undesirable; but there is something to be said for it, after all. I do not agree with the sentiment I once heard expressed by one of my rev. Brethren, to the effect that great expense and cumbrous proceedings were necessary in order to check needless litigation. I say that the object of the Bill of the noble Earl has, in general, my hearty approval. I grant as fully as he does the necessity of a change. I believe that the present state of things is very undesirable. Your Lordships are probably aware that in the case of a clergyman being accused the process is the following:—First, a commission has to be issued by the Bishop, which takes a long time in arriving at a conclusion. It has not the full powers of a Court, and therefore its conclusion is, perhaps, not the very best that could be arrived at. Then follows the sending of the matter, perhaps, to the diocesan Court, unless it is sent to the Court of the Archbishop. But suppose it goes to the diocesan Court, that occupies a long time and is attended with great expense. Thence the question goes to the Archbishop's Court, again involving considerable time and expense; and at at last it goes, perhaps, to the Judicial Committee of the Privy Council—if, indeed, it has not had the bad luck of being there several times on appeal on small points while passing through the Archbishop's Court. Therefore it is most desirable that a simpler and more expeditious process should be devised, and I trust that this will be done. Either the clergyman who is accused, let us suppose, of some act of immorality, is guilty or he is innocent. If he is guilty, the Church suffers during the long time that the trial lasts. If he is innocent, what an injustice to him to be exposed to all these harassing proceedings for so long a period! Therefore, anything that will shorten the proceedings and reduce their expense is much to be desired. At the same time we must not forget that the interests concerned in the trial of these questions are of a very high kind indeed; and it would be wrong if not only a man's temporal means and substance, but even more than that, his character as a minister of the Gospel, were liable to be injured without the most mature and thorough consideration, and if it should be an easier thing to deprive a man in these Courts than to conduct to an issue any minor matter tried before the ordinary civil Courts. Therefore, my assent to making the process simple and expeditious of course is qualified by this condition — provided you secure that substantial justice shall be done to every clergyman who may be brought before these tribunals. My Lords, I will now briefly allude to a few points in which the Bill that I have laid on the table differs from the noble Earl's. In the first place it does not deal directly with the registries, and the noble Earl thinks that is a very great fault. Let me say that one great difficulty which has seemed to attend bringing this matter to a satisfactory conclusion is the vast field over which it extends; and we have, therefore, felt that this result might, unfortunately happen — that if the Bill were overlaid with a quantity of matter which does not distinctly refer to clerical discipline, the measure might founder in consequence of that additional matter, and the good object which we all desire might thus be lost. I have seen it stated in some places that we have omitted any distinct reference to these registries in this Bill from a desire to preserve ecclesiastical patronage; and the noble Earl himself alluded to some appointments made about the year 1823. That is a long time ago, and I do not know whether, if you went back to that period, you would not find in connection with other Courts that there were similar abuses, and that very young persons and persons who were inexperienced were appointed to lucrative offices in other Courts besides the Ecclesiastical Courts some forty or fifty years ago. If that were the case it would show that it would not be perfectly fair to adduce, as instances of any malversation in the present race of ecclesiastical rulers, things which happened so long ago. I believe that public opinion would altogether prevent any such appointments in the present day; but I think it would be better to be on the safe side, and I agree with the noble Earl also that it would be better to provide that persons appointed as registrars shall be men fully competent to perform the duties of their office. Moreover, I think the noble Earl did not observe that by one clause of my Bill, making arrangements for rules and orders for the regulation of the proceedings of these Courts, an attempt has been made to bring the registries partially into an improved state, although, perhaps, the improvement would not be so thorough as by the mode that he proposes. I would also remark that we were much deterred from entering into the subject of the registries by the consideration that the marriage fees of which the noble Earl has spoken possibly might not last very long, and therefore the very foundation on which he rests that part of his Bill might disappear. However, if the noble Earl should obtain the funds which his Bill treats of I should rejoice, because it would remove another great difficulty in this matter in the shape of expense. I do not myself think that the Bishops would be deterred from proceeding in any clear case by reason of the expense; but it is only human nature that where the result appears to be very doubtful they should hesitate to incur a very large expense. Another particular, in which the noble Earl thought my Bill was very faulty, relates to the person who has a right to originate the proceedings. Now, there are really two views of that matter. The noble Earl quoted Sir William Scott. I have in my hand the decision of the Court of Queen's Bench when this matter was argued before it not long ago. The judgment was pronounced by Mr. Justice Wightman, when the question had been argued whether the Bishop must consent to the instituting of proceedings; and the Court of Queen's Bench was of opinion—

> "That it was better for the interests of religion and the public that the Bishop, who is the overseer or superintendent of religious matters in the Church, should be intrusted with a discretion as to the propriety of issuing a commission of inquiry in such cases, than that it should be left entirely, as expressed by Sir William Scott, to the judgment or passions of private persons, who, under the influence of zeal, or prejudice, or fancy, might call peremptorily upon the Bishop, without any real or substantial ground, upon mere scandal or evil report, to institute proceedings which would cause at once expense, trouble, and vexation, and tend to create disturbance and scandal in the Church."

The result of the Court taking that view was that they interpreted the law as leaving this discretion to the Bishop. The noble Earl has said that the right of the laity to intervene in the way thus characterized by Sir William Scott has been violated by the Bill which I have laid on the table. He can hardly have read the clause which says that the Bishop may proceed on representations made to him; that is, any layman may, as at present, give information to the Bishop, and the Bishop may, just as at the present moment, according to the judgment of the Court of Queen's Bench, proceed in matters of doctrine at his discretion. As to matters of Ritual, my Bill allows the Bishop's discretion to be over-ruled. I do not know whether the noble Earl thought we were wrong in allowing it to be overruled or not; but, if he considers we were wrong, I am sure he will find supporters among those who think that parishioners ought not to be permitted to make representations of that kind. I have inserted in my Bill—founded partly on the Report of the Ritual Commission—a provision that in cases where a parishioner thinks that his rights have been infringed by an innovation which he believes to be contrary to the Law of the Church, he shall be entitled to proceed, and the Bishop shall have no power to prevent him. In cases of alleged immorality, accusers will be called upon to provide security for heavy costs in the event of their complaints proving to have been frivolous and vexatious. Both I and the noble Earl propose to abolish the preliminary inquiry, which is found to be of very little use, even the clergy themselves being agreed that it should cease. The noble Earl thinks that I have committed a great mistake in introducing clerical assessors into the Bishop's Court. But the noble Earl must remember that in abolishing the preliminary inquiry we also abolished the security which the clergy at present enjoy of being tried by their peers. Therefore it was thought, in dismissing the clerical assessors who sat upon the preliminary inquiry, that it would only be fair to introduce them into the Bishop's Court when the accused party demanded it. Then, again, with regard to what the noble Earl said respecting the lay assessor who is, under certain circumstances, to supersede the chancellor. I think one of the noble Earl's objections is that there are a number of chancellors, of whom many are clergymen, who are not fit to discharge their duties, and that it is desirable that in such cases there should be a thoroughly experienced lawyer. Now that very end is gained by the introduction of this lay assessor. I think upon proper reflection that the noble Earl will see that this very lay assessor will carry out his own idea. I feel sure, my Lords, that the matters in respect to which the noble Earl has pointed out that my Bill differs from his will be found—when we have an opportunity in the Select Committee to consider them more in detail—not to deserve the strictures which he has passed upon them. With regard to the points of resemblance between the two Bills, they are many and important. We both propose to abolish the preliminary inquiry. We are also agreed that the details of these matters must be settled by persons who would go into them very minutely, with power to make rules and orders, and that it is very desirable that proper assessors should sit in all the

Courts. It does not, however, appear to me at all necessary that the Judge of the Arches' Court should be in all cases a man who has practised during the preceding fifteen years. I do not see why a retired Judge, for instance, should not be as good as a gentleman who has gone on practising at the Bar up to the last moment. I do not see the necessity of being obliged to go to the Bar when you may have the benefit of the Bench from which to make a selection. Another great point on which we are agreed is as to the great importance of substituting salaries instead of the present wretched system of fees. There is a provision in my Bill for paying these fees into a common fund, and appropriating salaries to all the officers who are at present paid by fees. Thanking the noble Earl again for having taken up this subject, believing that the long deliberations of the Bench of Bishops have brought us to something like a similar result, and that by creating a sufficient interest in the matter we may hope to lay before your Lordships a measure with a prospect of its being carried, I shall not trouble your Lordships further than by saying that I shall move that both Bills be referred to a Select Committee.

EARL GRANVILLE: I do not wish at present to discuss this most important subject; but, as it may interest your Lordships to know what course the Government intend to adopt with regard to the two Bills under discussion, I shall briefly state what we propose. I believe that after the two speeches we have heard there will not be much difference of opinion on this point, at all events—that evils exist, and that it is extremely desirable that they should be remedied. Your Lordships will, therefore, probably agree in this — that something should be done to abate what is complained of and to lessen the expenses of so doing. The two speeches of my noble Friend and of the most rev. Primate shew that there is a general agreement between them as to the practical points to which a Bill professing to deal with the evils complained of should be directed. The general principle of both Bills appears to me to be this—to make efficient that which is now perfectly inefficient, to simplify that which is complex, and to cheapen that which is extravagantly expensive. On the other hand, there are questions of the greatest importance and difficulty, requiring very nice adjustment, which distinguish one Bill from the other. The most rev. Primate stated that it was his desire to have both Bills referred to a Select Committee. I did not understand the noble Earl to say anything to that effect; but I hope he has no objection to that course, in which case Her Majesty's Government would consent to the second reading of the two Bills, on the understanding that their Lordships should refer to a Select Committee the mode of dealing with them—a course which, though not always the most advantageous, appears in the present instance to be the best that can be adopted.

THE EARL OF CARNARVON: I believe it would not be altogether out of place, after the few words which have fallen from the noble Earl who has just spoken, and agreeing as I do that these Bills should be referred to a Select Committee, if I were to point out one or two things in which, unfortunately, I cannot agree either with my noble Friend who moved the Bill now before your Lordships or with the most rev. Primate who has brought forward another Bill on the same subject. I think that both my noble Friend and the most rev. Primate have clearly explained the difficulties which exist under the present system; and no man can desire that in such a matter as Ecclesiastical Law those difficulties should exist, or that they should be suffered to remain one hour longer than necessary. I am not lawyer enough to say whether or not during the last few years any improvements in the mode of procedure have been introduced, or the exact extent of the evils that require to be remedied. I imagined that some changes had been made—especially by Dr. Lushington—which tended to simplify the procedure before the Courts referred to, and especially to facilitate the despatch of business; but I am ready to accept the assurance that the present state of the Ecclesiastical Law stands in need of reform. But I own, if I had my own way in this matter, that I should prefer to inquire, in the first instance, into the existing state of the law, to see how far the Clergy Discipline Act of 1840, to which reference has been made, has worked well or ill, before attempting to introduce what may be further improvements. Were we first of all to collect existing facts we should have laid a basis for Parliamentary action if necessary, and I cannot help thinking that we should be proceeding more surely and certainly if we were to do so, than by taking the present course. At the same time, I hope, if a Select Committee is to be appointed, it should be understood that it shall have full power to take evidence as to the existing state of the law. There are two or three salient points arising out of the Bill itself to which I wish to draw attention. The first point to which I would advert is that to which my noble Friend also referred, which empowers three inhabitant householders to institute a suit in an Ecclesiastical Court. Now I am afraid I must dissent utterly from the view taken by my noble Friend (the Earl of Shaftesbury) with regard to that subject. On the other hand, I wish I could agree more heartily in the alternative which the most rev. Primate proposes. The most rev. Primate told us of the number of Bills which he had found in his drawer relative to the subject, and I sincerely wish, so far as these clauses are concerned, the most rev. Primate had made a selection from those Bills. The most rev. Primate proposes that, in cases of doctrine, five beneficed clergymen of the kingdom should have the power of instituting suits. Upon that point I differ entirely from the noble Earl, and cannot adopt the proposal of the most rev. Primate. Furthermore I cannot agree with the latter when he goes a step further, and proposes that upon questions not doctrinal—the most numerous class of cases, and many of which are frequently separated from cases which are doctrinal by an imperceptible line of division—three inhabitant householders, who are members of the Church and resident in the parish, shall have power to institute suits—without the consent of the Bishop first obtained. It is out of the question that such an arrangement as this can possibly work well—it must be objectionable, not to one section of the Church only, but to all; High Church, Low Church, and Broad Church would be equally exposed to danger; all might be made victims of considerable injustice and oppression if this proposition should be adopted. No matter how ignorant, how fanatical these three householders may be; no matter how expedient it may be on general grounds to keep the questions they raise out of Court, at least for that time; no matter how critical may be the state of the Church; no matter what may be the opinion of the Bishop upon the questions—these three householders have the power of forcing the whole subject into a Law Court. The most rev. Primate read an extract from a judgment which has been delivered, as I understood him, within comparatively recent times, in which the doctrine is most distinctly laid down that the Bishop has and should have a discretion in these matters. In my opinion there is every reason why the Bishop should have this discretion, and should be perfectly free to exercise it. It should be in the Bishop's power to say to any hotheaded firebrand, whose zeal has got the better of his discretion, that he will not consent to such and such a question being dragged into Court; and it is but common justice to the clergy to give them the security of the Bishop's consent against their being needlessly hustled into any Law Court and then exposed to the expenses of litigation. If this proposition were to become law it would go far to destroy the authority of the Bishop, because it would put an end, at least to some extent, to the feeling at present enjoyed by the people that they may count upon protection from improper acts upon the part of the clergy; and the clergy, on the other hand, have a feeling of security from unjust attacks upon the part of the people. If the Church is to be organized and governed ecclesiastically, it is absolutely necessary that the Bishop should have full freedom to exercise his discretion in all matters of discipline and legal procedure. What a very wide door, my Lords, is left open by the most rev. Primate by this proposal for litigation in the Church! He has told us his Bill is designed to simplify legal processes, but the result of his endeavours may be, as has happened in the case of the Divorce Court, to multiply causes. There are many legal processes that in the interests of the public should be simplified and multiplied; but I venture to submit, with all respect, that litigation in itself, and especially litigation on Church matters, is not desirable, and when the interests of the Church are at stake such litigation cannot be good. Then there is the proposed adoption of the jury system—an entire novelty as applied to ecclesiastical matters. A new tribunal, and I submit a by no means satisfactory tribunal, is proposed by my noble Friend (the Earl of Shaftesbury) when he suggests an equal proportion of clergymen and of justices of the peace, who shall be obliged under penalties to assist in the administration of the law. Has it occurred to my noble Friend that some of these justices may be Nonconformists? Not only would it be unwise in the interests of the Church to submit ecclesiastical matters to their judgment, but they might with reason complain you were obliging them to do violence to their consciences. More than this—the system would inevitably be abused by appeals to the passions of individuals. No subject more sways the judgment of men and more excites their passions than religion; and men would be convicted, not because they had violated a particular law, but because they happened to belong to this or that section of the Church. Surely, if it was inadvisable to apply the machinery of trial by jury to cases of election petitions, by reason of the political passions by which their judgment might be based, it would be most improper to decide ecclesiastical cases by such a process. These, my Lords, are all objections to the principle of the measure; I have now to put a question to my noble Friend. Does he think his Bill really practicable? He proposes to constitute a fresh tribunal and a fresh Judge; indeed, a fresh machinery altogether, which he has pointed out must in the nature of things be superior; but the sources of revenue upon which he relies for the maintenance of this new Court are very precarious. These sources are, as I understand it, made up entirely of fees, which are thrown into a sort of hotch-potch, and then distributed as the requirements of the Court may suggest. But what are these fees? As far as I could follow my noble Friend, these fees are those for consecration, for conveyances on the admission of clergy to their livings, and, lastly, fees on marriage licenses. Now, one set of these fees are most objectionable; I have never been able to understand upon what principle of justice or public expediency a man who has built a church, and perhaps given the land upon which the building stands, should be made to pay a large amount in fees upon the conveyance of the property to the Church. This has always seemed to be a monstrous injustice; yet it is proposed by this Bill to stereotype these fees, and to make the whole machinery for the administration of one branch of the law dependent upon their punctual payment. I also submit that fees on marriage licenses form a very precarious revenue indeed; and if they should be abolished, as is extremely likely, I ask my noble Friend what becomes of the Bill? The very pillars on which it stands are cut away. For these reasons I much doubt whether the Bill would be found practicable; and I hope we shall not be regarded as having sanctioned, by sending the Bill before a Select Committee, the few points to which I have alluded, and in respect of which the Bill is, in my opinion, radically defective.

THE EARL OF HARROWBY said, the most rev. Primate had referred to a clause which had emanated from the Ritual Commission. No doubt the clause referred to had its root in the Report of the Commission; but it had been altered and was now materially different from what it originally was. The Report referred to specific acts connected with rites which were entirely new to the habit of the Church, if not new to its laws, and which involved points of doctrine not recognized by the Church. The Commission had decided that in respect of these—namely, vestments, lights, and incense—as contrary to the uniform practice of the Church, whether legal or not, they ought to be prohibited; and with regard to these, and these only, the Commission recommended that three householders should have, not the power of calling the attention of the Bishop to them, but of calling upon the Bishop to put them down without leaving him a discretion. The provisions of the Bill now before them were different in two respects. They authorized the parishioners to call the Bishop's attention to any points of Ritual, but gave him a discretion as the mode of dealing with them. They enlarged the area and diminished the stringency of the recommendations of the Commission. It was important this should be understood.

LORD CAIRNS: I feel sure your Lordships will agree with me in saying that the noble Earl who moved the second reading of this Bill (the Earl of Shaftesbury) did not require to offer to you any justification for addressing himself to a subject so important as the legislation which this Bill proposes; and certainly no apology was required from him for the able and comprehensive manner in which he has dealt with the subject, the mastery of which has occupied so much of his time, and must have occasioned much trouble and anxiety. I think we may rejoice that two Bills on this subject have been laid on the table, because, proceeding as they do from minds that have looked at the subject from different points of view, it must be a matter of great satisfaction to find that the Bills, travelling to a large extent over the same ground, agree in substance as to the provisions they recommend. As to the points on which the authors of the two Bills are at issue, I own nothing more satisfactory could be proposed than that they should be referred to the same Select Committee to consider those differences. The two Bills seem to differ to a great extent in respect to the sources from which the finances are to be drawn; the source indicated by the Bill of my noble Friend seems to be of the most transitory and evanescent description; and I think your Lordships will be of opinion that nothing ought to be done to maintain the fees as taxes upon the Church and those connected with it. I doubt extremely the propriety of introducing what is called a jury system—but which is not a jury system—into the trial of offences of the kind contemplated by these Bills. The jury system, as we are accustomed to it, has great advantages in certain cases which it is applied to, but you are proposing now to apply it to cases of the greatest delicacy and nicety, requiring the most peculiar handling. I must say, from the experience I have had of cases of that peculiar kind to which I refer, I think that, on the whole, the best mode of trying them is to have them tried by a single Judge who is under an obligation, which you cannot put a jury under, to state in detail the grounds upon which he arrives at the conclusion he announces. A jury may be influenced by passion or prejudice, but they have to give no reason for their verdict; whereas a Judge must give reasons and show that he is master of the evidence. My noble Friend who has just sat down (the Earl of Carnarvon) expressed a hope that the Select Committee would take evidence as to the working of the Clergy Discipline Act. I hope my noble Friend will not be disposed to assent to that suggestion. If such evidence is taken on a question as to which a conflict of opinion prevails, I see little chance of legislation this Session. Right rev. Prelates know pretty well how the Act has operated; and I think, on the whole, it will be much safer to refer the two Bills to a Select Committee without requiring such evidence to be taken.

THE EARL OF SHAFTESBURY said, he did not take credit to himself for being the inventor of the jury system, which was mentioned to him thirty years ago by the Duke of Wellington, and of course a jury was not intended to decide questions of doctrine so much as questions of fact. Although seventy-eight of his clauses had been appropriated by the most rev. Primate, others had been added to which he had altogether objected. He had said Ritualism was a bad thing and ought to be put down; but false doctrine was a much worse thing.

Motion *agreed to.*

Bill read 2ª accordingly, and *referred* to a Select Committee.

And, on April 26, the Lords following were named of the Committee:—

L. Abp. Canterbury.
L. Abp. York.
Ld. President.
M. Salisbury.
E. Shaftesbury.
E. Portsmouth.
E. Carnarvon.
E. Beauchamp.
V. Halifax.
L. Bp. Oxford.
L. Bp. Ripon.
L. Bp. Gloucester and Bristol.
L. Portman.
L. Westbury.
L. Cairns.

CLERGY DISCIPLINE AND ECCLESIASTICAL COURTS BILL [H.L.]

Bill read 2ª (according to order), and *referred* to the Select Committee on Ecclesiastical Courts Bill.

House adjourned at a quarter before Eight o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 15th April, 1869.

MINUTES.] — PUBLIC BILLS—*Ordered—First Reading*—Municipal Franchise * [85]; Mines Regulation * [84]; Militia [82]; Water Supply * [83].

Second Reading—Newspapers, &c. * [66].

Committee—Irish Church [27]—R.P.

POOR LAW—KENSINGTON SICK ASYLUM DISTRICT.—QUESTION.

Mr. J. G. TALBOT said, he wished to ask the President of the Poor Law Board, Whether it is his intention to recommend the dissolution of the Kensington Sick Asylum District; and, if not, how soon it is likely that the plans for that Asylum, which were submitted to the Poor Law Board for their approval in December last, will be approved?

Mr. GOSCHEN, in reply, said, with respect to the first part of the Question of the hon. Member, he might state that at present the Poor Law Board could not dissolve a sick asylum district, and they would not be enabled to do so unless the present Metropolitan Poor Amendment Bill should become law. With respect to the approval of the plans, he found when he came into Office that a site had been purchased for the proposed sick asylum for £15,500, which appeared to him a considerable sum, and he had since ascertained that a further outlay would be required for draining and fencing the land. Representations had been made to him against the site, and also against the expense of the asylum proposed to be built, by the managers and the guardians of the two parishes of Kensington, and St. Margaret's and St. John's which form the district, requesting him to stay action in the matter. It had been also represented to him that the existing workhouses of the two parishes, with the adjacent sites, might be so far utilized as to render one of them available for the sick asylum, an opinion in which he was disposed to concur. He had been pressing the guardians to suggest a plan by which such arrangement might be carried into effect; but hitherto, he regretted to say, without success. He had, however, been promised communications from the guardians on the subject, and the further consideration of the plans was reserved in order that he might previously ascertain whether the guardians would co-operate in the arrangement proposed.

POST OFFICE—WEST INDIA MAILS. QUESTION.

Mr. CANDLISH said, he would beg to ask the Postmaster General, If it is intended to discontinue assorting the letters by the West India Mails at sea during the homeward passage?

The Marquess of HARTINGTON said, in reply, that inquiries were being made with a view not to expose to risk the health of the officers doing that duty; and to ascertain whether it would be possible to discontinue the sorting of the mails on board, and to arrange for the sorting of them between Plymouth and Bristol; but this course would not be carried out if it was found that it would occasion inconvenience to the public.

ASSESSED RATES BILL.—QUESTION.

Lord HENLEY said, he wished to ask the President of the Poor Law Board, Whether it is his intention to proceed with the Assessed Rates Bill; and if not, whether he is about to propose any other measure for the amendment of the system created by the Rating Clauses of the Reform Act?

Mr. GOSCHEN: It is, Sir, the intention of Her Majesty's Government to proceed with the Assessed Rates Bill. It is right, however, to add that I propose to move clauses in Committee for the purpose of facilitating and securing, as far as possible, the adoption of that most advantageous system of agreements for the payment of rates between the overseers and the owners of the poorer class of house property, the latter being allowed a reasonable commission in consideration of the risks they undertake. It would, of course, follow that a modification should be made with regard to Clause 4 of the Bill. I mean the clause which provides for uniform deduction of 25 per cent from houses let for short periods, without distinction whether the landlords agree to pay the rates or not. I need scarcely add that it will be our duty to take the most rigid precautions that such agreements should not imperil the placing of the name of the occupier on the register, or endangering his political franchise. I think the fairest and most convenient course will be to place the clauses to which I have alluded on the Notice Paper before the House is asked to consent to the second reading, and that is the course which I propose to take.

NAVY—WOOLWICH DOCKYARD—MR. W. BARNES.—QUESTION.

Mr. MILLS said, he would beg to ask the First Lord of the Admiralty, Whether it is true that a pension or gratuity has been refused to Mr. W. Barnes, who has served for upwards of twenty-five years as Admiralty Pilot at Woolwich, and, if so, for what reason; and what steps are being taken to secure the occupation of the Dockyard at Woolwich as soon as possible after the Government Establishment there is closed?

MR. CHILDERS said, in reply, that an Order in Council, passed in 1819, deprived the Admiralty of the power to grant such a pension, on the ground that the payment of full rate as Admiralty pilot, which Mr. Barnes had received, was sufficient. A pension was applied for by Mr. Barnes on the ground that, in 1847, he fell down the hold of a ship, but the application was not acceded to. With regard to Woolwich Dockyard, no eligible offers had been made for it, but the Admiralty would take means to let their intentions be known.

METROPOLIS—BATTERSEA PARK.
QUESTION.

MR. PEEK said, he wished to ask the First Commissioner of Works, Whether there would be any objection to allow the Public to bathe in the concreted water in Battersea Park before 8 a.m., in consequence of the risk of life that arose from bathing in the Thames?

MR. LAYARD said, in reply, that the ornamental water in Battersea Park was comparatively small in extent and was shallow, and public bathing would be objectionable unless a bathing-house was erected, which would spoil the appearance of the water. He did not think, therefore, it would be desirable to allow bathing.

PAYMENT OF THE INCOME TAX.
QUESTION.

MR. NEVILLE-GRENVILLE said, he would beg to ask Mr. Chancellor of the Exchequer, Out of what rent will a tenant paying his landlord's Income Tax under Schedule (A), in January 1870, be entitled to deduct the amount?

THE CHANCELLOR OF THE EXCHEQUER said, in reply, that the answer to this Question was contained in the words of the Act of Parliament imposing the income tax, which authorized the deduction to be made "out of the first payment thereafter made on account of the rent;" that was, the tenant was authorized to deduct it out of the rent then coming due whenever it was paid. He might point out that under the present arrangement tenants who paid their rent half-yearly were called upon in April to advance this payment on behalf of their landlord, which they did not recover till Michaelmas, and again in October, which they did not recover till March; whereas by his proposal the tax would be collected in January or February, and the tenant would recover it out of the rent he paid in March. After all, the sum involved was very trifling; taking the income tax at 4*d.*, the amount on £100 would be £1 13*s.* 4*d.*, and the interest on that, at 5 per cent, in three months was only five pence.

CORN DUTY.—QUESTION.

MR. A. JOHNSTON said, he would beg to ask Mr. Chancellor of the Exchequer, Whether he is prepared to comply with the wishes of a large number of eminent firms in the City of London, by giving orders to the Custom House authorities throughout the kingdom to receive all Duties from this day forward under Custom House Certificates that such amount paid as Import Duties shall be returned to the parties who shall have paid them after this day, provided the House shall eventually decide to take off the said Duty?

THE CHANCELLOR OF THE EXCHEQUER said, in reply, that the question had been carefully considered, and the Government thought that they would best discharge their duty by adhering to the determination he had announced, that the duty should be collected for the purpose of revenue up to the 1st of June, and after that date that it should cease, if the House gave its consent to the proposals of the Government.

REGULATION OF COAL MINES.
QUESTION.

MR. KINNAIRD said, he would beg to ask the Secretary of State for the Home Department, Whether, considering the numerous and serious accidents that have recently occurred, he is prepared this Session to introduce a Bill for the better regulation of Coal Mines?

MR. BRUCE said, in reply, that he had given notice of his intention to introduce a Bill to consolidate and amend the Acts relating to the regulation and inspection of mines.

TELEGRAPHS BILL.—QUESTION.

MR. BAINES said, he would beg to ask the Postmaster General, If he can inform the House whether the Telegraphs Bill will be prosecuted; and, if so, whether he can state when?

THE MARQUESS OF HARTINGTON said, in reply, that he was afraid he could add nothing to the answer he had given on this subject a few weeks ago. The fact was, the arbitrations between the Government and the various companies as to the sums to be paid for the purchase and compensation were in progress. Some were completed, but the larger number were still incomplete. When the arrangements had made more progress it might be possible to form some estimate of the total sum that would have to be paid, and he would then state what were the intentions of the Government. He might add that notice would be given in the *London Gazette* to-morrow of the intention of the Government to move for leave to bring in Bill to enable the Government, in the event of their obtaining the property of the telegraph companies, also to obtain a monopoly of the transmission of telegraph messages throughout the country.

DIPLOMATIC RELATIONS WITH MEXICO. QUESTION.

MR. H. B. SHERIDAN said, he wished to ask the Under Secretary of State for Foreign Affairs, If any, and what steps have been taken by the Government of this Country to re-open diplomatic relations with Mexico?

MR. OTWAY, in reply, said, he did not know whether the hon. Member was aware of the circumstances under which the rupture of diplomatic relations between this country and Mexico took place. On the re-establishment of the present Republican Government President Juarez intimated that it was the decision of his Government not to hold communication with the agents of any of the Powers who had recognized the preceding and *de facto* Government of Mexico. Mr. Glenny, our Consul in the City of Mexico, was not allowed to fulfil his consular jurisdiction, and under those circumstances the Government of Lord Derby instructed Her Majesty's Charge d'Affaires at Mexico to withdraw, taking with him all the other members of the Legation. However desirous Her Majesty's Government might be to maintain amicable relations with all Governments, it did not seem, under these circumstances, that the first step towards re-opening diplomatic relations with Mexico should be taken by this country.

PARLIAMENT—BUSINESS OF THE HOUSE.—OBSERVATIONS.

MR. GLADSTONE: I think, Sir, that the House will probably share the opinion of the Government that the approaching discussion of the Bill on the Irish Church should be proceeded with with as much consecutiveness as may be consistent with the convenience of hon. Members to abate their individual rights to bring forward Motions of which they had given notice. I have already had communication with some of those Gentlemen, and have received from several the courteous answer that they will not stand in our way. I think it would be advantageous to all parties if we could now know whether it is likely that there will be any material delay to-morrow before we could move the continuation of the Committee on the Bill, presuming we get into Committee to-night. The hon. Baronet the Member for North Wiltshire (Sir George Jenkinson) stands first on the list of Notices. I understand he is not disposed to bring on his Motion, provided it be the general intention of Members having similar Notices to give way. I do not see the hon. Baronet in his place; but, perhaps, I have already done as much as may be necessary by suggesting what is probably the general wish, that Members will abstain as much as possible from bringing forward Motions, unless there be some immediate and positive pressure, so that we may be enabled to go forward with the Irish Church Bill.

CAPTAIN GROSVENOR said, he would not persevere with the Motion of which he had given notice.

MR. HUNT said, he had placed a Notice on the Paper for a statement regarding Exchequer balances, payments, and receipts, and unless the Chancellor of the Exchequer allowed the Return to be given unopposed it would be necessary for him to make the Motion. He could not postpone it, as he wished the Return to illustrate the operation of the Budget.

THE CHANCELLOR OF THE EXCHEQUER said, the Motion imposed on him the duty of predicting the state of future balances, which he could not undertake to do. Perhaps the right hon. Gentleman would be satisfied to take the Return for the past year.

MR. HUNT said, he believed from his experience at Downing Street that the Return could be prepared. The right hon. Gentleman might suggest any modifications.

MAJOR O'REILLY said, he was perfectly willing to postpone the Motion of which he had given notice.

IRISH CHURCH BILL—[BILL 27.]

(*Mr. Dodson, Mr. Gladstone, Mr. John Bright, Mr. Chichester Fortescue, Mr. Attorney General for Ireland.*)

COMMITTEE.

Order for Committee read.

MR. SINCLAIR AYTOUN said, he rose for the purpose of making the Motion which stood in his name—

> "That it be an Instruction to the Committee that they have power to dissolve the Corporation of the Trustees of the College of Maynooth, and to provide that no money be paid over to the said trustees, but that only compensation fairly due to the Professors and Students consequent on the loss suffered by them by the withdrawal of the Maynooth Grant be paid to them by the Commissioners appointed by the Bill, in the same manner and according to the same principles as is provided by the Bill with regard to the Incumbents of the Anglican Church and the recipients of the Regium Donum."

MR. SPEAKER: It is my duty to inform the hon. Member in public, as I have already done in private, that his Instruction is not in Order, for this reason, that the Committee already possesses the power he proposes to give it by the Instruction. In order to prevent the necessity of special Instructions to Committees, a Standing Order was passed, in 1854, that all Committees should have the power to make such Amendments as they deem fit in Bills, provided they are relevant to the subject of the Bill. The matter involved in this Instruction is certainly relevant to the subject of the Bill; but what is yet more forcible is that Clause 39 deals specially with the subject-matter of the hon. Gentleman's Amendment. It would not, therefore, be in Order that he should move the Instruction.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Gladstone.*)

MR. NEWDEGATE: * Sir, I feel that some apology is due from me to the House in rising to make the Motion of which I have given notice in my capacity as an individual Member of the House; but, Sir, I make that Motion, not as the humble individual whom you have just named, but upon the part of the constituency whom I have had the honour of representing now for twenty-six years; and if the House should find that the representation of the opinion of North Warwickshire is imperfect, owing to any deficiency on my part, the blame rests with that constituency—a constituency extending over 460,000 of the population of the centre of England—and not with the humble individual who simply obeys their behests in this case. At the last election, I was returned distinctly as an independent Member. I was returned after I had taken the utmost pains to come to a clear understanding with all classes, and almost every section of political opinion, in that constituency, as to what should be my duty with respect to this proposal; and we considered—and when I say "we" I mean that the inhabitants of Warwickshire considered it particularly in this light, that the disestablishment and the disendowment of the Protestant Church in Ireland would pave the way for, and must entail, the establishment of the Roman Catholic Church in its stead. We considered the evidence, which was given before the Committees of both Houses of Parliament with respect to the grounds upon which the repeal of the Ecclesiastical Titles Act is demanded, and we came to the clear conclusion that, if the Establishment of the Protestant Church in Ireland is swept away, nothing can prevent the establishment of the Roman Catholic Church, because the Pope rejects Establishments by virtue of the laws of any State, and claims to erect his Establishment by his own authority. And now, Sir, before I proceed further, one word with reference to the state of parties in this House. A division has been taken upon the second reading of this Bill, and that may be considered as a party division; I approach this question upon purely distinct grounds, representing the objections of persons of all parties—objections not always avowed, but entertained to my certain knowledge by many Gentlemen, who sit behind the Government. I have never known any case in which party obligations have been strained as they have been in this instance. Many hon. Gentlemen are sitting on those Benches who, from their antecedents, ought to have some regard for the preservation of the supremacy of the Crown and of the law in Ireland unimpaired ; and yet I have seen them vote almost to a man for a measure which I am convinced will directly impair the operation of the supremacy and the Prerogative of the Crown, and the supremacy of the law in Ireland. I have said, the supremacy of the law, because the Crown of these realms is held by law, and represents the chiefdom of the executive of the law. I can only say, Sir, that I am exceedingly sorry for those hon. Gentlemen. There they sit, with the Government in their front, committed to this measure, and on their right they have the Roman Catholic Members, whose organization, whatever else we may say of it, is certainly complete, and who were once called the "Pope's Brass Band," a title which they seem to have forfeited by their exemplary silence during the present Session. I appeal to every Member who has had a seat in this House during the last two Sessions, whether the contrast between the extraordinary activity, the constant appeals of the section to which I refer, last Session, whilst this measure was brewing, and their wonderful silence this Session does not indicate that they have received orders—as I know they have received orders—not to disturb the progress of this measure by any display of injudicious loquacity. Well, Sir, it may be said, and the right hon. Gentleman the Prime Minister has told the House, that the principle of this measure was decided last Session, that it has been debated in the country during the elections, that no question, touching the principle of this measure, ought now to be raised for discussion among the representatives of the people ; and the right hon. Gentleman has set us an example of abstinence from discussing the principle of the measure when he introduced it. He assumed the decision of the country, and I blame the right hon. Gentleman the Member for Buckinghamshire for having, by resigning the Office which he filled, afforded an excuse for the assumption, that this, a new Parliament, elected by an altered constituency, and which, it was hoped, would afford a fairer representation of the opinions of the people of the United Kingdom, is to be held, by the two Leaders of the House, incompetent to discuss the principle of a measure, when, for the first time, it is submitted in its formulated shape for the consideration of Parliament. We, the opponents of this measure, may be told, that we are a minority. Be it so. Let those who make that remark with a view to staying legitimate discussion look at the Forms and Orders of this House, which have lasted now for 200 years, and in those Forms and Standing Orders they will find that, in the Parliament of England, the minority have always been held to be intrusted with peculiar duties, and are by these very Orders armed with power and with functions which secure the full, free, and deliberate discussion of every great measure that may be submitted to us. I, therefore, Sir, in the performance of my duty, as one of the minority, if it is a minority, now challenge the principle of this Bill; and I will show that I challenge it on points that have not been adequately discussed either in the present or the late Parliament. For one, Sir, I refuse in any way to be bound by the decision of the late House of Commons, which, by its own act in passing the Reform Bill, died self-condemned. I object to this measure on the ground that it will impair the supremacy of the Crown, and the supremacy of the law in Ireland ; that it is a preparation for the direct invasion of the Prerogative of the Crown. The Prerogative, according to our Constitution, is important only as expressing the functions of the head of the Executive and this measure is preparatory to the subversion of the exercise of the functions of the head of the Executive. Why do I make this assertion ? I will give an illustration on this point from a circumstance which is familiar to the Members of the House, with whom I have had the pleasure of serving in former Parliaments, and exemplifies my reasons for saying that this measure will impair the completeness and universality of the supremacy of the law and the Crown in Ireland. It was not until the year 1866 that the oaths were altered ; that the oath taken by the Protestant Members was abrogated, and that the oath of the Roman Catholic

Members was also abrogated, so that now we take one uniform oath. Up to that period the oath taken by Roman Catholic Members was the oath which was framed by Sir Robert Peel's Government, who passed what is called the Relief Act of 1829 ; this oath as touching this matter of the supremacy fell short of that which we, the Protestant Members of the House, were required to take and subscribe. We swore that we would maintain and would adopt no proposition, and that we would vote for no Bill, inconsistent with the supremacy of the Crown ; not only in matters temporal and civil, but also with respect to matters spiritual and ecclesiastical. It was represented to the Parliament of 1829 that the Roman Catholics could not take that oath, because they admitted a qualification of the supremacy of the Crown in all matters spiritual and ecclesiastical by their obedience to the Pope. It stands, Sir, upon record in the laws of this country, under which these oaths were enacted, that the allegiance of the Roman Catholic body to the supremacy of the Crown is a qualified allegiance, qualified by the laws, which permitted them to deny the ecclesiastical and the spiritual supremacy of the Crown ; but in the oath of 1829, taken by Roman Catholics, there was a distinct provision which bound the juror to use no influence or opportunity that he might obtain through having a seat in this House, for the purpose of weakening or disturbing the Protestant Church of the United Kingdom by law established. When that oath was discussed at the instance of the right hon. Gentleman, the Under Secretary of State for the Colonies, we were assured that our thus abrogating this obligation of the oath taken on the part of the Roman Catholic Members of this House would in no sense endanger the security of the Establishment in Ireland ; and it was on the faith of that assurance that the oath was swept away, and that the obligations were removed. What were those assurances worth ? With this measure now before the House, is it not perfectly clear that hon. Members of the Roman Catholic persuasion feel themselves and have, ever since the period when the oaths were altered, felt themselves relieved from the obligation not to assail the Protestant Establishment in Ireland ? Warned by the vanity of the assurances which we then received, let us look at the subsequent history of this question. In the year 1864, the Pope issued an Encyclical and a Syllabus, remarkable documents, which were so invasive of the supremacy of the Crown in every country of Europe, that the Emperor Napoleon and his Government refused to permit their publication in France ; they were circulated by Monsignor Dupanloup and by some of the French Bishops, but they and the Nuncio were obliged to apologize and to say that this had been done by mistake. The 37th article of that important document the Syllabus, denies, on the part of the Papacy and of the Pope, the head of the Roman Catholic Church, that any Church not in communion with, I might say not in subjection to, the Holy See, can be of right established anywhere, whether it be in Russia or whether it be in England. Do Russia and her Church admit or acknowledge as rightful the power asserted in that document ? No. Messengers were lately sent from the Pope to the Patriarch of the Eastern Church to invite, or rather to command, his attendance at the intended council, the so-called Œcumenical Council, projected by the Pope, and what was the reception the messengers met with ? Courteous in every way. They bore a letter intended for presentation from the head of the Roman to the head of the Greek Church ; but the Patriarch, pointing to the table before him, said, "Let it lie there. I do not receive it. I know its purport. I know from previous experience that the Pope of Rome summons me as his inferior to attend an Œcumenical Council." And it appears that the Pope did so ; and that he did it on the strength of the Council of Florence ; the Patriarch, exhibiting a courtesy, a learning, and a determination in every way worthy of the high position he fills, at once impugned the Council of Florence, which he declared was an assembly convened—for what? For political purposes, and he rejected the message thus sent him by the Pope. This is an illustration of how the pretensions of the Pope are received by a Church, which commands the acceptance and belief of many millions of Christians in Europe. But what happened in Ireland ? At the close of the year 1864 and the commencement of 1865, Cardinal Cullen founded a new association, which, as if in irony, he called the "National Association of Ireland ;" and what was the declaration which he made for the first time on that occasion? He had some few years before arrived as Legate from Rome to Ireland with a commission, and that commission, as we may judge from the Synod that he first convened, was to represent the Papacy with respect to the education of the Roman Catholics in Ireland; and further, it was to comprehend an agitation on the subject of the tenure of land in Ireland; but, in 1864, and 1865, this commission was made to comprehend another matter. And what was that other matter? The abolition of the Establishment of the Protestant Church in Ireland. How did Cardinal Cullen begin the movement? He commenced by attacking the oath which was taken by Roman Catholic Members, and which bound them not to assail the Established Church. It was thus he fulfilled the commission which he received from Rome, and the fresh instructions which the Encyclical of 1864 conveyed. Can we doubt, then, whence this measure comes? It is said to be a demand on the part of the people of Ireland. I say that it has no such origin. I say that it is a demand on the part of the Papacy, that the Government of this country shall sanction a more direct interference with the supremacy of the Crown and of the law in Ireland, which the Emperor Napoleon has rejected in the case of France. I have, I think, shown that this question does involve the supremacy of the Crown. But what is it that is alleged against the Irish Church Establishment? That it is the type and the symbol of ascendancy. Of what ascendancy? Of the supremacy of the Crown of the United Kingdom. Hon. Members opposite will scarcely deny that fact. After what I have shown of the history of the oaths formerly taken in this House, they cannot do so. Nay more, it is clear that this whole agitation is directed against the supremacy of the Crown, as held subject to the laws enacted by the United Parliament of Great Britain and Ireland. The hon. Members cannot dispute that position. What were the grounds on which at first this measure was recommended? It was said that the majority of the people in Ireland are Roman Catholics, and that, therefore, in justice to that majority, the Protestant Establishment ought to be abolished in Ireland. Why is the existence of the Church unjust? You answer, because it is a type of Protestant supremacy. But the Crown is Protestant, and therefore the Protestant Church should be suffered to exist as an Establishment in Ireland. Does not your answer admit the very ground which I am endeavouring to prove? That the Roman Catholics have been taught that because the Church is the symbol of the supremacy of the Crown, being a Protestant Crown, it is an offence to the Roman Catholic majority of Ireland, or ought to be an offence to them. Sir, the argument that the majority of the Irish people are Roman Catholics might be good if we were to legislate upon the assumption that the Act of Union is to be repealed; perfectly good if the premises are good. But I deny that the value of a religion can be measured by the number of its adherents. Were I to admit that, I must assume that Christianity in the days of its blessed Founder was an imposture. I will not, therefore, admit that argument myself, but will take it as used by others. Is a majority, then, to decide whether the supremacy of the Crown is to have the symbol of an ecclesiastical organization to represent it throughout the dominion, over which the immediate power of the law extends, that law with which the Crown is identified? ["Hear."] If you take that ground then you are met by this fact, that the majority of the people of the United Kingdom are Protestants, and that, therefore, the Protestant Church ought to remain as a symbol of the supremacy of the Crown in Ireland. The right hon. Gentleman the Prime Minister, at the close of the last debate, tried to defeat this argument by saying that there is not a rag or a vestige of the ecclesiastical supremacy of the Crown remaining in Scotland. May I ask the right hon. Gentleman the Prime Minister whether he is not aware that Her Majesty attends the services of the Church of Scotland; whether the Sovereign of these realms is not bound to be a Protestant in the sense of the Church of Scotland, as well as in the sense of the Church of England? May I ask the right hon. Gentleman whether he does not know that Her Majesty's Commissioner presides over the General Assembly? And when he has made these admissions, I would ask him for an example of any Scotch Presbyterian having complained that the connection of

Her Majesty, as the Sovereign of these realms, with the Church of Scotland is an offence? I ask whether he has ever heard a Scotch Member of this House lament that Her Majesty is of necessity, so long as she occupies the Throne, to be a Protestant? Yet the right hon. Gentleman tells us that there is not a rag or a vestige of the ecclesiastical supremacy of the Crown remaining in Scotland! No Sir, this is a plea that will not stand. It is quite true that, for political purposes, a union between some of the Presbyterians, too many of the Dissenters, and certain Ultramontane Roman Catholics has been effected; but the only conscientious objection to the supremacy of the Crown is represented by those who assert the ecclesiastical and spiritual supremacy of the Pope; and they, in fact, recognize the authority of the Pope in matters temporal and civil, as well as religious and spiritual, so far that is as the Pope may decide that matters temporal and civil are included in matters religious and spiritual; these are the persons who raise the objection in deference to which we are now asked to sweep away the Establishment of the United Church of England and Ireland from Ireland, because that Church is the symbol, the exemplar, and the official exponent of the supremacy of the Crown in Ireland. I do not wish to trouble the House with many historical reminiscences; but I am sure the hon. Members will recollect the force with which the observation of the Prime Minister fell amongst us when he was introducing this measure, when he said—

> "My object is the same—the object of this measure is the same as that of Mr. Pitt when he carried the Union."

That object was, he said, to establish religious equality; and that the only difference between his proposal and that of Mr. Pitt was as to the means for its accomplishment. Well, I find that that qualification was very necessary. I have looked in Pitt's letter to the King, when resigning Office, because George III. had objected to granting political privileges to the Roman Catholics. In that letter he describes in accurate terms the conditions upon which he would have sanctioned and rendered safe that admission. And safe—for what purpose? Safe for the preservation of the supremacy of the Crown; and safe for the preservation of the Protestant Establishment in Ireland as the symbol and exponent of that supremacy. But, Sir, it was not Mr. Pitt who originated the proposal to grant political privileges to the Roman Catholics. This was suggested to him by Lord Cornwallis. It was suggested to him by Lord Castlereagh. In the work of Sir George Lewis on the *Administrations of Great Britain*, it is admitted that, at the time of the Union, the proposal was never made for the unqualified granting of political power to those who were called Papists, nor was it proposed that provision be made for the Roman Catholic priesthood without conditions. It was evident that, acting upon the experience of his father, who could remember all the troubles that prevailed in Europe through the disturbances created by the political agitation which the Jesuits carried on until they were suppressed by Pope Clement XIV., Pitt, when he contemplated the granting of salaries to the Roman Catholic priesthood, when he contemplated the admission of Roman Catholics to political and official functions in this House, at the same time contemplated the exaction from the Roman Catholic priesthood and from Rome of these conditions, as Lord Clare tells us in the *Castlereagh Correspondence*: that no priest should be permitted to officiate in Ireland publicly without a license from the Crown; and elsewhere in that same correspondence it appears that no document was to be published as brought from Rome touching the ecclesiastical, spiritual, or other affairs of Ireland without being submitted to the civil power; and that no Bishop of the Roman Catholic Church should be nominated to preside over any province or diocese unless his name had been submitted to the civil power representing the Crown and approved. Were these conditions unreasonable? They are the very conditions of the Concordat, or the greater part of them, under which all the relations of the Roman Catholic priesthood in France are held to be regulated, so far as they relate to Rome. How stands this matter with regard to Russia? for Russia had a Concordat particularly with regard to Poland. The terms of that Concordat were not such as to give the Russian Government security against unwholesome agitation on the part of the Roman Catholic priesthood in Poland. What was the origin of the insurrection in that country? It was this. Russia requested of the Holy See, that a Concordat similar to that which was concluded with France should be obtained for Poland. The unhappy distuabances in Poland began in 1859, and the House will mark the close similarity that exists both in time and in manner between the proceedings in Poland and those in Ireland. There is a document on the table of the House—the circular despatch of Prince Gortschakoff—which fully explains those circumstances. The document was laid on the table of the House in the year 1867, and I would recommend it to the attention of those hon. Members who were not in the House at that time. They will find from it that the demands of the Russian Government were met with perpetual evasion on the part of the Papacy. When the Russian Government represented to the Papacy that the authority of law in Poland was undermined; when they represented that they had granted every privilege to the Roman Catholic clergy, and secured them in the possession of large property and great wealth, and submitted, that as a matter of gratitude, and as a return for services continually rendered, the priesthood ought not to foment a dangerous sedition against the Government, they were met with perpetual evasions, until at last the Cardinal Secretary was directed to ask the Russian Government to agree that a Nuncio, with legatine powers, should be received at the Court of Russia. To this the Emperor replied most willingly, and a Nuncio was nominated; but the Russian Government observed, if the Nuncio was to be received—"Give us the same security which France possesses, that these legatine powers shall not be used in the dereliction of the supremacy of the Imperial Crown." Rome refused. Disturbances continued to be fomented. There was the same silent sullen discontent kept up by the priesthood among the Polish people which Mr. Justice Deasy lately complained of as now existing in Ireland. There were assassinations and outrages committed, just as they are now in Ireland, till at last the time came when the Emperor of Russia determined to be the author of that great and noble act, the liberation of the serfs throughout the whole of his wide dominions, and therefore in Poland. The liberation of the serfs brought the Polish rebellion to a crisis. Unhappily the influence of the priesthood upon the Polish aristocracy was such, that they persuaded them to consider the liberation of millions of serfs as an offence against themselves. The liberation of the serfs was inconsistent, I admit, with the policy of the Papacy; it was inconsistent with the treatment of their serfs by the monastic orders in Poland; it was inconsistent with the state of ignorance in which the lower classes have been kept in every country where the monastic orders have had sway, as is proved especially in the case of Naples, where it is found that wherever the monastic orders have had the greatest power and wealth, there the ignorance of the people is the grossest. On examining the Russian Circular of 1867, then, you will find that the emancipation of the serfs was held to be an offence on the part of the Emperor of Russia and justified the insurrection. Read the briefs of the Pope denouncing the Russian Government. From first to last you will find that the Pope refused any qualification of his intrusive pretensions; that he refused any Concordat with terms that should limit his interference; and then consider, with this example before us, what will be the operation of this measure if it leads, as it must lead, to the establishment of a Roman Catholic Church in Ireland, with no provisions made, such as exist and are in operation in France for the limitation of the power of the Papacy. But, in addition to this, a remarkable document, which is not yet generally known, has appeared. It has not yet been published in this country. Up to 1865 negotiations were going on between Russia and the Papacy. Russia accepted a Nuncio to be resident at her Court, only stipulating for the same terms as had been agreed to in the Concordat with France. And what are the terms which France possesses? The very terms, the very conditions which Mr. Pitt seemed to think necessary, if the Roman Catholics were to be admitted to political and official privileges at the time of the Union, and their priesthood were to be admitted to a recognized status. The conditions are identical. Let hon. Members read the *Castlereagh Papers;* let them also read the document to which I have referred —the despatch of Prince Gortschakoff, in which it is shown that Russia demanded a Concordat with terms the same as exist in that between the Papacy and

France; and though this requirement on the part of Russia was evaded, it might be supposed that at any rate the French Concordat would be respected. It might be supposed that the Pope felt the obligations he is under to the Emperor of the French. At this moment he is sustained in the Chair of St. Peter by the soldiers of the Emperor; the Emperor is his guardian against Italian aggression, and for these services it might be supposed the Pope would be grateful. But very recently a member of the French Assembly, M. Ollivier, a representative from the Gironde, has published what he calls a *compte rendu* to his constituents, and to this he has attached a brief or letter from the Pope to the Archbishop of Paris, dated in 1865, the very date at which the difficulty between the Russian Government and the Papacy had culminated in the manner I have described. I will quote a few words from this document, which has not yet been made public in this country. What does the Pope say in that letter to the Archbishop of Paris? It appears that the Archbishop, in obedience to the canon law of the Roman Church, in obedience to the organic laws of France, as set forth in Prince Gortschakoff's despatch and in obedience to his duty as a Senator, had made a visitation of the establishments in Paris of the Jesuits, the Franciscans, and the Dominicans. He was bound to see that the canon law was not evaded, that the supremacy of the civil law was not defied; and he justified his visitation on the plea that these orders were not authorized by the law, and were not permitted to hold property; in short, that they violate the laws. And these are the terms in which the Pope addresses him—

> "But you say the religious orders who reside in Paris cannot enjoy exemption from episcopal visitation, because the laws of the State do not allow of their existence, and because these same laws do not permit religious houses to possess property of any kind or for any object. . . As to the laws of the State, which refuse legal or civil existence to religious orders, and forbid the possession by their houses of property of any kind, what can be the force of laws of that kind as against ecclesiastical right and order?"

Then the Pope goes on to speak of the Exequatur, which forms part of the terms of the Concordat, and this is what he says—

> "You affirm that the 'Instruction' added to the Convention between Benedict XIII. and the King of Sardinia proves 'that Papal regulations for the discipline of a country (with the exception of those which refer to doctrine and morals) ought to be submitted for the information of Parliament, and need the Royal Exequatur in order to acquire legal force.' This very false assertion would never have been uttered by you, venerable brother, if you had had before you, and carefully examined, the terms of that Instruction."

Sir, I will not read further; but this is a document I should like to see in the hands of hon. Members, for it shows that, in the case even of the power which is his best friend and supporter, the Pope defies the terms of the Concordat with his See, and sets at nought the organic laws of France—in short, defies the authority of his friend the Emperor in everything that touches or affects the regular orders. And why? Because he declares that these regular orders, especially the Jesuits are, mind you, through his own, the Pope's authority, exempted from the jurisdiction of the visitation and jurisdiction of the Roman Catholic Episcopate in France, even when canonically exercised; and this, that they may be his instruments in undermining the organic laws of a State that is most friendly to him, and defy the terms of the convention agreed to by his predecessors with respect to the relations between France and Rome. And what this House is asked to do is to sweep away the Protestant Establishment, the symbol, the exemplar, the exponent of the supremacy of the Crown in matters spiritual, and to admit unconditionally the authority of the Pope, which is struggling in every State in Europe for supremacy. I thank the House for allowing me to lay the question so fully before them, because it is painful to me, as a humble disciple of Mr. Pitt, to hear the right hon. Gentleman quote that great man as an authority for a measure the idea of which Pitt to the end of his days emphatically condemned. I defy any man to bring forward a single word or sentence ever written, uttered, or attributed to Pitt, which goes to show that he would have sanctioned the abolition of the Established Church in Ireland. Liberal he would have been to the Roman Catholics, but only upon the condition that they would not attempt to change the Constitution of the country. Liberal he would have been to the Roman Catholics, if they would have consented to accept, within reasonable limits, the principle of obedience to the Crown.

But, Sir, without these necessary qualifications, Mr. Pitt would never have permitted such an opportunity for the introduction of the Papal power into Ireland as the First Minister of the Crown has by this measure submitted to the House of Commons. I have touched on these grounds, because the right hon. Gentleman the Prime Minister, in answer to the hon. and learned Member for Richmond (Sir Roundell Palmer) the other night said—"You have declared your readiness to consent to disestablishment; and in doing that you have given up the noblest part of your case to your opponents." He might have added—"You have abandoned the principle" which justifies the retention of her endowments by the Church, and yet you defend these endowments. It is but a very small part of this property that was ever enjoyed by the Roman Catholic Church. The endowments of the Church are derived chiefly from gifts on the part of the Crown of lands in Ulster and in different parts of the country, and of tithes beyond the Pale; this measure is contrary to all precedent, for there might be some excuse if an abuse of this property could be shown, that the Crown should resume its grants. But where, I ask, is the abuse? If confiscation is permitted in this case, where is it to end? When you say that the Church of Ireland is the cause of evil in Ireland, I ask you, have you ever read the history of Ireland? Do you know that the Irish nation deliberately accepted the establishment of this Church as Protestant? ["Never."] Yes, freely and fully. Nineteen Bishops of the Irish Church accepted the Reformation, and only two dissented. Do you know that in Roman Catholic times no tithes were possessed beyond the Pale? Do you know that the tithes which you are about to confiscate are almost entirely the gift of the Crown and Parliament of Ireland after the Reformation? A very small portion of the present property of the Irish Church was ever in Roman Catholic hands. ["Oh! oh!"] I can prove it if any hon. Member disputes it. I ask then, what is your justification for the resumption of that property. You say it is because the Established Church is the badge of Protestant ascendancy. So it is. It is the symbol of the authority of the State—of the State of the United Kingdom. Is it unjust that the Church of Ireland has been maintained? Has she ever been in rebellion against the Parliament of England? And if she has been faithful and loyal to the Crown and the law, whom do you represent? You represent her assailants. And who are the assailants? I have told you distinctly that the assailants of the Established Church are the Pope of Rome and his instruments. [*A laugh.*] The hon. Member sitting there (Mr. Synan) raises a senseless laugh. He entertains extreme views as a Roman Catholic, and has a relative in the Roman Catholic priesthood who has expressed opinions still more extreme. Let him rise and dispute the fact which I assert, that ever since the Reformation the cause of disturbance in Ireland has been the constant, the perpetual incitements from Rome. The hon. Member's relative glories in the fact. He lately spoke at a public meeting, and declared that Ireland as Roman Catholic should never be content whilst she was subject to the supremacy of the law of England. That is the substance of the Limerick declaration, which declaration is signed by 1,600 priests. Do you tell me then, that it is through any act of the Protestant Church of Ireland that discontent exists? I say no; for now, as during the whole period of our history since the Reformation in this country, the real cause of the disturbance is to be found at Rome. I do not say that the enmity of the Papacy is exclusively directed against England; for it is manifested just as much, and as systematically, against the Empire of Russia, according to the showing of the Pope himself. It has been exemplified by the disturbances which were stirred up recently in Poland, as it has been perpetually exemplified by the disturbances and discontent in Ireland against England. So that there is nothing peculiar in the origin of our difficulties. The action of the Papacy has come to this, that every State in Europe is compelled to resist the Pope. Spain has rejected his temporal authority. Even Austria, devout Austria, has been obliged to throw off the yoke. Russia, in her strength, still maintains her laws restraining the intrusion of the Papacy. The hon. Member for Galway (Mr. W. H. Gregory) the other night cited the case of Prussia; but what is the case with Prussia? She permits no endowments to Roman Catholic Bishops; and let me remind the hon. Member that she expelled Cardinal Albani for encouraging rebellion, that she imprisoned the Archbishop of Cologne, and that she retains the Roman Catholic Bishops in her territory without endowments, and only upon condition that they acknowledge the supremacy of the State. Where do we find such a condition imposed in connection with the measure before us? As a further illustration of the temper of the Papacy, and the contrast between that temper in 1800 when the Union with Ireland was agreed to and now, let me call to the recollection of the House that in 1800 the Pope was at the mercy of the first Napoleon, that the Emperor imprisoned him, that he commanded his successor to crown him, which he did, and that he exacted a Concordat in almost the same terms as that which now exists with France. At that time Mr. Pitt was of opinion that the Papacy was unjustly treated and oppressed. He was, therefore, willing to aid the Pope, but he expected, as a condition of his granting payments to the priesthood in Ireland and extending political privileges to Roman Catholics, that the Pope would concede the same terms to England as he did to France. The right hon. Gentleman, the Prime Minister, however, does not profess to expect from the Pope any such conditions now, and for a very good reason. The present position of the Pope is, that he is not on good terms with the State of any country in the world. The Pope has summoned what he is pleased to call an Œcumenical Council. Hitherto all such councils, and notably the Council of Trent, have been summoned by addresses delivered to the heads of the different States of Europe. But the Pope knows that, at the present time, such a summons would not be listened to, and, therefore, he has addressed himself to the various Bishops of Christendom. This is altogether a new phase, and if the anticipations of the Patriarch of the Eastern Church be correct, and if he drew a right deduction from the allusions made by the messengers of the Pope to the Council of Florence, the result of the intended Council will be to carry out the principle unhappily adopted at the Council of Florence, and decree the personal infallibility of the Pope, to justify his interference with the internal politics of every European State; in fact, to accomplish that Ultramontane programme which lies at the foundation of the reactionary revolution throughout the Continent. Let me now turn for a moment to another question. How has England behaved towards the Roman Catholic Church in those parts of her dominions where that Church holds property under treaty? In Lower Canada, for instance, the Roman Catholic Church has large territorial possessions, secured to her by the Treaty of Quebec, and never yet has any proposal been made to violate that treaty. I remember the time when there were disturbances in Lower Canada, and the Province was disloyal; and the disloyalty such as could never be attributed to the Church of Ireland; nevertheless, England remained faithful to the treaty; the property of the Roman Catholic Church, which extends for miles around the principal towns, is daily and hourly increasing in value. Every Roman Catholic priest in Lower Canada, were the property of the Church equally divided among them, would enjoy an income of £300 a year, or £100 a year more than the whole of the property of the Irish Church would give to its clergy supposing it were divided equally amongst them. Well, what is the Union with Ireland but a treaty made between two independent Legislatures, though subject to the same Crown? But the Church of Ireland has been always loyal, and the penalty of her loyalty is this measure of confiscation The Church of Ireland has striven to maintain the supremacy of the Crown and the law, and therefore she is to be the object of plunder, whilst the Roman Catholic Church in Canada is perfectly secure in the possession of her great and increasing wealth, although at one time there was every reason for distrusting her loyalty. That single comparison is sufficient to show the want of equity in the present case. The measure is brought forward on the plea of establishing equality in Ireland; but as the hon. Member for Devonshire declared in his able speech on another occasion—and it is a truth which ought never to be forgotten—"Equality is not equity." And I say, that the idea that Cardinal Cullen will accept the principle that he is the equal of the head of the Wesleyan Conference in Ireland, that he is the equal of the dispossessed Archbishop of Armagh; that he, the representative of the Papacy, a Cardinal and a Prince of the Romish Church, and the temporal officer of the Pope in Ireland, is ready to accept in good faith the doctrine of religious equality, is an idea which reverses the principle of the message that was sent by the Pope to the Greek Patriarch. Sir, it is absurd. It is quite true that in France and other countries, but particularly in France, the doctrine of religious equality is nominally established by the Constitution; but, as appears from the conduct of the Papacy in its communications with the Archbishop of Paris, it is also clear that if any French prelate accepts the doctrine of religious equality, he will at once be condemned by his master the Pope. Is it not notorious, indeed, that the Church of Rome is dominant in that country, notwithstanding that the Constitution professes to be founded upon the doctrine of religious equality? Although the House may decide, for whatever reason, upon accepting the measure, yet, for its own sake, let it discard the idea that it has the power to establish religious equality in Ireland. The attempt to introduce religious equality has throughout the world always had one effect—namely, to induce the State to become despotic, and to induce the people to submit to despotism. The Mahometans have ceased to propagate their religion by the sword. They have adopted the doctrine of religious equality between all sects, as distinct from their own. They have adopted the old Mahometan maxim, as between different sects of Christians and Pagans, let the dog eat the hog, or the hog eat the dog, we care not how it goes between them. But can you establish a constitutional monarchy on these terms? No; and wherever the doctrine of religious equality prevails, even in the United States of America, it has a tendency to become despotic, and the despotism is not the less because it is democratic. On the contrary, it is greater. And so sensible are the people of the United States of this that they are trying to confine the despotic power of their President in every way that they can. If we would maintain freedom in Ireland we must maintain the supremacy of a free Constitution. We must not qualify it. We must not narrow its scope. We must not leave so wide a field for the entrance of the despotism of the Papacy, and therefore I condemn the principle of this measure as tending to the establishment of despotism in Ireland. I condemn it on another ground. We want no more representatives of despotism in this House. Already we have seen Roman Catholic Members drilled from day to day in the Lobby of this House by Dr. Manning—that most insinuating of priests. I have known all about Dr. Manning from his boyhood. Dr. Manning once did me the honour of desiring to be introduced to me in the Tea Room. I told the hon. Member who brought me the message that I thanked Dr. Manning, but that I disapproved so much of that he was doing that I would rather not. Why did I say that? Because I have quoted in this House a passage from a sermon which Dr. Manning had preached, when he occupied a high position under Cardinal Wiseman, in which sermon he proclaimed that the object of the Roman Catholic Church—that the object of all his colleagues—was the subjugation of this country. I put this to these hon. Members. What Member in this House, six years ago, would have expected to see the majority of this House obeying the behests of Rome, and seeking the disestablishment of the Protestant Church in Ireland according to directions transmitted to Cardinal Cullen from Rome? It is an object with the Ultramontanes that the influence they exercise should be laughed at—the Jesuit wishes himself to be considered as a most devout man, given to charity and prayer, an agreeable companion, and that his order is politically insignificant, and yet is worthy of all acceptance throughout the world. If it be represented to him that his order has been expelled from Spain and Italy, and that the authorities of Vienna have in earnest terms remonstrated against their intrusions, he will say this conduct was the effect of wild prejudices, if not of ignorance, and affords proof of infidelity, and that unless that spirit can be subdued no sovereign is safe upon his throne. And he will remind you—"Were we not the best of friends to the Stuart dynasty?" Dr. Manning contradicted an hon. Member, who had cited rather inaccurately the passage to which I have referred, respecting the object which he and those under his influence and command in England had in view. I procured a copy of the second edition of the sermon in which the passage I had quoted from the first edition remains somewhat thus expressed—"It is the duty of the

Roman See to seek the subjugation of England." Other parts of the sermon have been qualified and pared down, but that expression still remains. And next to that sermon in the volume is a sermon preached in a Jesuit Church, in which Dr. Manning lauded to the skies the Jesuits who were concerned in and executed for complicity in the Gunpowder Plot, and said that they now stood at the right hand of Christ, dressed in white robes. It may be seen in the newspapers of to-day that the Fenians have approached that eminent person, Dr. Manning, and asked him to allow his priests to collect money for the liberated Fenians. And what did Dr. Manning say? That he was identified with them in their general objects, and only differed as to the means; it is only necessary to read *The Times* of to-day in order to see the nice distinction between them. When the Fenians were asked—"Are you in favour of murdering Her Majesty? Would you murder Her Majesty in order to establish a Republic?"—the Republic described by that wretched man O'Farrell, in a document which ought to have been before the House, and which I have been compelled to move for, because the Government would not present it—the reply was—"We would not enter into a conspiracy to the murder of Her Majesty." Dr. Manning and the Fenians parted on the most amicable terms, but he did not give an answer he would support the Fenian brotherhood by funds, as many of the priests in Ireland have done, he left that matter open and said he would consider it. Now is not that aiding in the scattering of treason? Treason in the sense in which the Americans understand treason against the Commonwealth? The right hon. Gentleman the Prime Minister when he first introduced this subject last Session, said that concession was made to the Roman Catholics in 1778, because England was then engaged in hostilities abroad. Marking the next period, he came to 1829, and said that the measure of Catholic emancipation was not granted by the free will of England but was extorted by fear. And in replying to the right hon. Member for Buckinghamshire, when that right hon. Gentleman asked, why he (Mr. Gladstone) had not brought forward this measure in 1866, his answer was that matters were not then ripe, that the Fenian conspiracy had not then assumed the importance it has since acquired. It appears, therefore, that one motive on the part of the right hon. Gentleman for sacrificing an institution which has upheld the supremacy of the law in Ireland in its fulness, is apprehension—fear. I am told that it is likely, because I am an independent Member and make this Motion on the part of an important constituency, from a sense of duty and on my own responsibility, that the Government will abstain from all debate. If the motive on which they are acting is fear they make a wise choice, for the suggestions of fear afford sorry arguments. No man can argue with fear, which is a hopeless yielding of humanity. Is this the motive, then, I ask in conclusion, that has induced you thus to imperil the supremacy of the Crown in Ireland, and to contemplate a gross and flagrant injustice upon one of the most loyal portion of Her Majesty's subjects? Entertaining these opinions, I beg to move that the House go into Committee on this day six months.

Colonel STUART KNOX, in seconding the Motion, said, that he could not hope to interest the House after the admirable speech to which they had just listened, but he merely wished to enter his protest against proceeding with a measure so iniquitous as the present. It had been stated by some of the Press and by Gentlemen opposite that any Member who opposed going into Committee on this Bill was taking a factious course. If it was factious to stand up for what one held most dear and for the rights and privileges of millions of his fellow-countrymen, he was factious. The right hon. Gentleman who brought the debate on the second reading to a close with such apparent ecstacy—stated that he would not detain the clock a single hour —nay, not even a single minute,—meaning that they must swallow their dose without delay. Let the right hon. Gentleman at least give the "sufferers" credit for deep feeling in the matter. The right hon. Gentleman no doubt believed them desperate; but they would tell him and the world that, their cause being just, and the Bill from beginning to end spoliation and robbery, they adhered to the motto of their ancestors —"No surrender." Did that mean that they were refusing to allow the right hon. Gentleman to put their House in order? No; they acknowledged that reform was necessary, however disagreeable. They accepted the Report of the Commissioners as a basis, and should be happy to assist in remedying anomalies; but they did not see that destruction was a remedy for their ailments. What did Lord Palmerston say, in 1856? He said—

> "If that 5th Article has any meaning at all—and it is preposterous to suppose that it is a vain delusion, and that it has no real and substantive intention—it must mean, in the common sense of mankind, that the Church of Ireland, in harmony with the Church of England, is to be maintained. . . . . . . Parliament is competent to deal either with the Church of England or the Church of Ireland, according to varying circumstances; but it must deal with those Churches, not in order to destroy them, but for the purpose of rendering them more effective in their operation."—[3 *Hansard*, cxlii. 766-7.]

Who were the Ministers then, and who stood by Lord Palmerston? Why, the Members of the present Government. They heard of reservations and inducements. Were they really such? The Government, no doubt, protected the vested interests of the clergy; those they dared not touch. England was not yet sufficiently Americanized for any statesman to venture to propose such an attack on the rights of individuals. But what of the rights of the laity? Had they no claim on the property enjoyed for 300 years? Did he believe they could destroy the Protestant worship in Ireland? No, that would be protected by a higher Power; but they would maim in every way, they would lower the standard and usefulness of the ministers, and make them dependent on the will of others. What of the poor, whether Protestant of any denomination or Roman Catholic? Would they not lose the friend in each parish to whom they were accustomed to rush in time of need, who was ever ready to help either in regard to their temporal or spiritual wants? If they went upon the ground that Ireland, as a whole, was Roman Catholic, and therefore that the majority was against the Established Church, why not apply the test to the Empire and see whether the Church of England could hold its ground? But if they would not, why ask whether the people of Ulster might not retain what they valued? Ulster was not only a province of Ireland, but of the Empire, and entitled to have her wishes considered. They had heard from Protestants of late that the consequences of this measure would make them Repealers. He regretted it, for he believed Repeal would be the ruin of his country, as she would fall back in civilization; and England would also suffer by always having a thorn in her side. They would then disgust and alienate the most loyal by this manner. Lord Russell, in 1846, when he held the responsible position of First Minister of the Crown, said he believed it would be injurious to destroy the Church, because many of the most loyal in Ireland—many of those most attached to the connection with this country would be alienated by the destruction of that Church to which they were fondly attached. Was it the opinion of the Roman Catholics generally that the Established Church was the grievance represented? Why, a circular of the Tenant-right Society of the county of Meath, issued some time ago, sanctioned by the Roman Catholic Bishop and clergy, and signed by Roman Catholic priests, said—

> "The one, the great, the sole question for Ireland is the land question; other agitations, such as that against the Irish Church, are got up for party purposes, would infuse an element of bigotry into the already sufficiently disturbed relations between landlord and tenant, would effect the ruin of thousands of tenants and precipitate that social catastrophe we are anxious to avert."

Had not men like the right hon. Gentleman the Member for Morpeth (Sir George Grey) repudiated the idea of overthrowing the Church? Did he not say in 1863—

> "That the Church having existed for centuries has become interwoven with the institutions of the country, and could not be subverted without a revolution."—[3 *Hansard*, clxxi. 1714.]

He saw the right hon. Gentleman in his place, and he trusted he would stand up and acknowledge and reiterate those sentiments. Was the Church a grievance to the Presbyterians? He would quote on this point the words of the well-known and respected Dr. Cooke. At the great Protestant meeting, held at Hillsborough in 1867, he said—

> "We recognize in the Established Church a noble branch of the great Protestant tree, planted in Europe by the hands of the Reformers in the 16th century. We hear in her voice the primitive evangelical doctrine and the dying testimony of that glorious company of martyrs and confessors by whom the liberty of conscience, the right of private judgment, and the unrestricted access to the Scriptures have been asserted, recovered, and secured."

The Presbytery of Omagh, in Tyrone, and many others, had petitioned Parliament, and used these words—

> "That, while we should gladly see such re-arrangement of the revenues of the Episcopal Church as would better provide for the working clergy and curates of the Establishment, we consider that its proposed sweeping disendowment, after so lengthened an enjoyment, and the arrangement made at the Union, is calculated seriously to shake public confidence, alienate the sympathies, and do great injustice to a large and influential section of our countrymen, without in any way propitiating the disloyal and disaffected classes in Ireland."

He denied that they had a right to take away any of the property or money belonging to the Church, and give it to the Presbyterians, or any one else; but, if the majority of this House were determined to abuse their power, he would say, at any rate treat the Presbyterians liberally; do not take from them the *Regium Donum*, which they are as fully entitled to as the Church to its property; but if you do take it away, do not give them a miserable pittance of £700,000, which would hardly give the ministers £36 a year in lieu of the £70 they now enjoy. Do not prevent them from providing for their widows and orphans. They were as much entitled to a grant to pay off their building debts as the College of Maynooth, and he regretted to hear the Prime Minister had declined to give them anything towards these expenses. He did not wish to detain the House longer; but he must again protest against the Bill, and assert that from beginning to end it was but spoliation and robbery. He trusted in the good sense of the people of England to support those who voted against it.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee," — (*Mr. Newdegate,*) — instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. SINCLAIR AYTOUN (whose address was frequently interrupted by cries for a division) said, as he had been deprived of the opportunity he had hoped to have had of expressing his views on the part of the Bill now before the House, in consequence of the decision come to by the Speaker with regard to the Instruction of which he had given notice, he hoped now to be allowed to explain very briefly his objections to one part of the Bill. He approved generally of the Bill, and he had supported it, and should again support it by his vote, but he disapproved of the partial manner in which it dealt with the College of Maynooth. He would briefly call attention to the manner in which the Bill dealt with the three religious denominations which were affected by it. With regard to the Established Church in Ireland, the Bill severed the connection between Church and State, dissolved all the ecclesiastical corporations, and transferred the property of the Church to Commissioners, restoring again, however, that portion of Church property which had been derived from private bequests, and giving compensation to private individuals whose interests would suffer from the Bill. The compensation was provided in the shape of annuities to be paid by the Church Commissioners to those persons whose interests would be affected, such annuities being equal to the revenues they would lose. With regard to the Presbyterians, their interests would be provided for in a similar fashion. Out of the *Regium Donum* hitherto certain salaries had been provided for a number of Presbyterian clergymen, and salaries were also paid to the professors of the Presbyterian College at Belfast, and those persons were to be compensated by life annuities. There were also certain other cases of compensation. There was a small sum of £160, which had been annually paid to the widows of Presbyterian ministers, and that amount was to be multiplied by fourteen into a capital sum which was to be paid over to an association on behalf of the persons whose interests would be affected. That compensation therefore was not in the nature of a direct personal payment, but the money would be handed over to an association which would have to make the compensation. There was also a small sum of £152 for clerks of the Synod or Presbytery of Ulster, and that would be multiplied by fourteen, and capitalized, as would also be the case with a sum of about £250 a year for the incidental expenses of the College of Ulster. He thought, by the way, that the College had no claim to that last sum at all, and he thought the same objection might be raised to it which he was about to raise to the capital sum proposed to be handed over to the trustees of the College of Maynooth. He came now to the case of the College of Maynooth. In the cases of the Established Church and of the Presbyterian Church the Bill provided that compensation should be given to individuals personally; but in the case of the College of Maynooth the Bill made no provision of that kind at all. It was proposed to hand over a capital sum of fourteen times the annual grant of £26,000 a year, or £364,000, to the College of Maynooth, and that sum was to be handed over unconditionally. While the Bill provided that compensation should be given to persons interested in the case of the Established and Presbyterian Churches, no such provision was made with regard to the College of Maynooth; the trustees would be under no obligation, that he could discover, to pay anything whatever to the professors or students. But even if it was a fair and proper course to hand over a capital sum to the trustees of the College, still the sum of money to be handed over in this case was more than double what it should be upon the principle of "compensation with due regard to personal interests." In the annual grants to Maynooth there were various clauses by which portions of these grants were devoted to different purposes in the College. Clause 4 of the Maynooth Grant secured £6,000 a year to the trustees for the purpose of paying the salaries of the professors; while Clauses 5, 6, and 7 provided that various sums should be paid over annually to the trustees for the purpose of maintaining a certain number of students. If the £6,000 a year for professors were capitalized at fourteen years the compensation would amount to £84,000. As to the students, their interests had been provided for on the same principle as those of the professors, upon the assumption that they were life interests. But the students were not sent to the College for life—they were only there for the purpose of getting an education. He had calculated the interests of the students, and he found it amounted to £80,000, so that full compensation would be made to the College for the withdrawal of the grant by the payment of £164,000. He had seen the calculation of an actuary as to the amount of money required to compensate the professors and students, and that calculation was even less favourable to the proposal of the Government than that which he (Mr. Aytoun) had made. In point of fact, then, the Government proposed to hand over £200,000 more than was necessary to the trustees of the College of Maynooth, in order to satisfy all personal claims. Then they were asked to give that sum in order that it might form a permanent endowment for the College of Maynooth. Now, when he was asked to sanction the donation of a sum for providing a perpetual endowment for Maynooth, he was entitled to ask what had been the result of that institution as affecting the condition of Ireland, and, in all probability, what would be its effects in time to come? If the money was asked for simply as a matter of justice, he would say—"Let us do what is just: we have no right to do violence to the principles of equity in order to prevent what we conceive to be an evil." But he would just call attention to a few facts in connection with the College of Maynooth of a peculiar nature. The grant to Maynooth had enabled the Roman Catholic hierarchy to provide a sufficient number of priests for that country drawn from the peasant class, and chiefly from among the cleverest boys to be found in that class, and he believed the Maynooth Grant, combined with the past misery and present condition of Ireland, had had a considerable effect in rendering the Irish priesthood the most powerful priesthood in Europe. There was no country in the world in which the priesthood exercised such an influence over the people, and especially over the poorest classes, as in Ireland. What was the influence which the hierarchy and the priesthood had exercised with regard to education, and especially with regard to these Queen's Colleges which were founded by Sir Robert Peel, and which he believed formed the best measure ever devised for putting an end to the separation between different classes in Ireland, and for providing a good liberal education for young men of all denominations, and giving them an opportunity of meeting together and of gradually obliterating those prejudices of religion and race which had hitherto so widely separated the different denominations? The hierarchy and the priesthood had set their faces against those Queen's Colleges, and had done all they possibly could to prevent their success; and, to a considerable extent, he believed, they had succeeded. The priesthood exercised a great influence even upon our foreign politics. When the insurrection in Poland took place, it was true that the people of Ireland felt a great sympathy for the Polish insurgents, and he believed they would have been willing for an immediate war with Russia in order to afford assistance to the Poles. But when the people of Italy were dissatisfied with a government that they felt to be oppressive; what did the people of Ireland do then? Instead of sympathizing with the people of Italy, as they had sympathized with the people of Poland, their sympathies were on the side of the oppressive Government; and he regarded that as a conclusive proof that the people of Ireland were completely under the influence of the priesthood. The reason why they sympathized with the oppressed people in one case and with the oppressing Government in the other, was simply that in the case of Poland the people oppressed were Roman Catholics, and the Government was a schismatic Government; while in Italy, although the people were of the same religion as themselves, the Government was the Government of the head of the Roman Catholic Church. The priesthood in Ireland possessed an enormous power over the population of that country, to which there was no parallel in any other part of Europe. In the domestic policy of their own country also their influence was very great, and in proof of that he would give the evidence of the Roman Catholic priesthood themselves. Everyone remembered that a body of Roman Catholic priests assembled at Limerick, at the beginning of 1868, and had a long conference on the condition of Ireland. They drew up a long declaration, or statement, recapitulating the wrongs of Ireland from the time of the landing of the Anglo-Normans until the time of the occurrence of the potato blight, and they came to the conclusion that all the miseries that had been inflicted on the people of Ireland had arisen from foreign conquest, and from Ireland having been governed by rulers belonging to a hostile religion. After recapitulating some of the remedies necessary to make Ireland a contented and prosperous country, they added that, although the disestablishment and disendowment of the Church, the settlement of the land question, and the settlement of education in the sense in which they desired to see it settled, by placing it in their own hands, might do something, still that was not enough, and what was really wanted was the repeal of the Union. The Roman Catholic priesthood of Ireland were at liberty to agitate for the repeal of the Union if they chose; but when he was asked to sanction the donation of a sum of money, not required by any principle of equity, but simply offered as a free gift from this House, he most decidedly should refuse to sanction any such gift to people holding such opinions. There was another reason why this permanent endowment ought not to be given by this House to Maynooth—namely, that at the General Election of last autumn the understanding with which the Liberal party went to the country was that the principle of levelling downwards had been adopted; that equality was to be established among different denominations, not by providing that everyone should have something, but that all should equally have nothing. That was the principle on which the Leaders of the Liberal party went to the country, and he appealed to the House whether the Fourth Resolution of the last Session might not have been taken by any intelligent politician as a sufficient guarantee that no endowment was to be given to Maynooth. A Resolution proposed by himself was amended by the hon. Member (Mr. Whitbread), and, with the concurrence of the right hon. Gentleman now at the head of the Government, it was adopted in the following terms:—

> "That when legislative effect shall have been given to the First Resolution of this Committee respecting the Established Church of Ireland, it is right and necessary that the Grant to Maynooth and the *Regium Donum* be discontinued, due regard being had to all personal interests."

He regarded this Resolution as a sufficient guarantee to the country that nothing was to be given to the College of Maynooth. The right hon. Gentleman (Mr. Gladstone) was understood to express in his election speeches a determination that nothing was to be given as an endowment to Maynooth. The same determination was expressed in a letter written by the right hon. Gentleman to a Dissenting clergyman at Oldbury, near

Birmingham. The clergyman told the right hon. Gentleman that the electors in his neighbourhood, although Liberal in all other respects, had pledged themselves to vote for the Conservative candidates from the fear that the right hon. Gentleman intended to give something to Maynooth. The right hon. Gentleman, in reply, said that he considered himself bound that the grant to Maynooth should cease and be wound up. The right hon. Gentleman used the fittest and most powerful expression that suggested itself to him, because they all knew what winding up a commercial undertaking meant—paying its debts and bringing the whole affair to a close. The proposition in the Bill, however, if it could be called a winding-up, was a winding-up of a very different character. [*Cries of* "Divide, divide!" *and* "Order, order!"]

SIR PERCY BURRELL rose to Order, and asked the Speaker to be kind enough to keep order in the House.

MR. SINCLAIR AYTOUN said, he was about to state the reasons against giving a permanent endowment to Maynooth. [*Cries of* "Spoke!" "Divide!" *and* "Order!"]

CAPTAIN ARCHDALL rose to Order, and, in consequence of the continued unwillingness of hon. Members to hear the discussion, moved that the debate be adjourned.

MR. SINCLAIR AYTOUN assured the House that he should not long trespass on their attention. Two arguments were put forward in support of the Government proposals with regard to Maynooth; and the words which fell from the right hon. Gentleman upon the second reading of the Bill well deserved the attention of the Committee. The right hon. Gentleman said that the House could hardly object to the amount of the donation to Maynooth, when they were about to give a sum of money so much larger to the Established Church. Now, that argument might be a very good one if it had not been for previous arguments advanced by the right hon. Gentleman. [*Cries of* "Divide!" "Order!"]

SIR PERCY BURRELL: Sir, I rise to Order. A Motion for adjournment of the debate has been moved and seconded.

MR. SPEAKER: The hon. Member is himself out of Order.

MR. SINCLAIR AYTOUN again attempted to address the Committee.

MR SPEAKER: At this early hour of the evening I hope the House will not refuse to hear the hon. Gentleman.

MR. SINCLAIR AYTOUN said, the words of the right hon. Gentleman to which he had referred, if they meant anything, had a tendency towards levelling up. But the right hon. Gentleman must be consistent. He might fairly say, as he had said to the Irish Church, individual interests shall not suffer. But having gone to the country upon a cry of levelling downwards, and having gained his point, he had no right when he came into Parliament to turn round and argue in favour of levelling upwards. Another argument in favour of the Government plan for giving all this money to Maynooth was that, if it were done, the House would get rid of the question, and never again be brought into collision with the Ultramontane party. He believed that there could be no greater delusion. The Roman Catholic priesthood had shown that they were prepared with a good many questions which they meant to have settled in their own way; and after all these were got rid of they would be content with nothing less than the repeal of the Union. Furthermore, they wished to exercise influence in this country, and endeavoured to do so by acting upon the Government of this country in regard to the domestic affairs of England. As long, therefore, as an Ultramontane party existed there was not the smallest chance of avoiding collision with them. Two parties existed in the Roman Catholic Church, and there were undeniably Continental countries in which the Ultramontane spirit did not prevail; but, unhappily, in Ireland it was the guiding influence of by far the largest section. Of all the arguments, therefore, which had ever been used in favour of the bestowal of a sum of money upon Maynooth, this argument about satisfying the Ultramontane party was by far the weakest. He would not further detain the House. He would merely express a hope that, when the time came in Committee for rectifying defects in the Bill, the House would not allow itself to be guided by this short-sighted expectation of getting rid of the difficulties by which we were encompassed in Ireland, by making any grant which the principles of justice and equity would not justify to the people of Ireland; but, having once adopted the principle upon which the Bill was founded, they would carry out that principle with impartiality to all sects alike.

Mr. HOLT said, it was desirable that the House should pause before entering upon the course to which they were urged. ["Oh, oh!"]

Mr. SPEAKER: I must call upon the Serjeant to keep order at the Bar.

Mr. HOLT said, the reasons which induced him to take part in this discussion were the same which had induced his constituents to return him to that House. They had been told by no mean authority that the voice of Lancashire was but preliminary to the voice of England, and that what Lancashire thought to-day England would think to-morrow; and Lancashire had both thought and spoken upon this question with great unanimity. There, if in no other part of the country, the measure recommended by the Government had been discussed and investigated; there, certainly, the people were alive to the importance of the legislation proposed; and there, likewise, the real nature of the interests at stake was understood and appreciated. Lancashire had enjoyed the advantage of hearing the policy of the Government advocated by no less a person than the right hon. Gentleman the Prime Minister himself. He laid before his audience what he considered to be a full and elaborate exposition of his policy; and he told them, upon one occasion, that the country understood the case which was laid before it. Lancashire replied to his challenge that she understood the question only too well, and that she would have neither the right hon. Gentleman nor his policy. Therefore, as representing one of the divisions of Lancashire, he asked permission to address to the House a few remarks upon the subject of the Motion. In the recent debate the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) and the hon. and learned Member for Londonderry (Mr. Serjeant Dowse) brought two charges against the opponents of the Bill: one complained that all the speeches from the Opposition Benches were unreal; and the other advised the speakers to be practical. In what he was about to say he would be thoroughly real, and he would endeavour to be as practical, though he could not hope to be as amusing as the hon. and learned Member for Londonderry. No Member, he thought, would deny that the measure under consideration was an attack on the Constitution of this country—whether the Constitution were regarded as stereotyped, and under no circumstances to be altered, or as one capable of being adapted to the varying circumstances of the country. In either case, before taking any step involving serious change, good cause should be shown for the alterations. Had that cause been shown? He conceived not. The right hon. Gentleman the Prime Minister, in introducing this measure to the House, did not in the course of his observations argue the question of principle at all, but contented himself with referring to the speeches that had been made upon that point in the debate in the last Parliament. He had thought it his duty carefully to examine those speeches, for the purpose of ascertaining upon what grounds this measure was supported, and he must confess that he had been unable to find any arguments in favour of the Bill which appeared to him to be sound and substantial. He desired to approach this subject, not as a partizan of the Church, but as an English citizen, and he was thankful that he lived under a Constitution which enabled a Member of that House to advocate the interests of both Church and State, without at the same time sacrificing the interests of either. At present the interests of the Church and of the Crown were not antagonistic; but, if the policy of the right hon. Gentleman were carried out to its full extent, a time would inevitably arrive when such antagonism of interests between them would arise. The House, in arriving at a determination upon this question, should be guided by facts and logical proofs, and should not be led away by strong expressions of opinion or by exaggerated terms. They had been told by hon. Members on the other side of the House, first, that the subject was worn threadbare; and, secondly, that it was surprising that so few arguments had been adduced in support of the Irish Establishment. The speeches by which the subject had been worn threadbare on the other side of the House contained statements unsupported by proof; while, if the arguments that had been adduced on that side of the House were but few in number, they had at all events never been answered. If the speeches which had been delivered by those who were opposed to the measure were deficient in quantity they were excellent in quality. The two propositions to which he intended to address himself were—first, that no case had been made out in support of the policy of the Government; and, secondly, that sound and substantial reasons exist why that policy should not be adopted. What were the reasons on which the House was asked to pass this measure? In the first place hon. Members opposite talked about justice; but was not that a cry that might be raised with equal effect by those who objected to the Bill? Hon. Members who opposed the Government measure were also desirous that justice should be done to Ireland, and were prepared to investigate most carefully any complaint which emanated from, and to redress any grievances that might be proved to exist in, that country, in the same way as they were prepared to redress English grievances. It was impossible, however, to expect that complaints from either country could be accepted unless supported by proofs. It was said that the matter must be looked at from an Irish point of view, and that the House must endeavour to legislate for Ireland according to the views of the majority of the Irish people. But was the right hon. Gentleman prepared to yield all the demands advanced by the majority of the Irish people? If he were not prepared to fulfil the hopes to which his language had given rise it was to be feared that the disappointment of the Irish people would be bitter and their resentment strong when they found that they had been betrayed by Her Majesty's Government. The next argument in favour of the Bill was that of numbers, but numbers were no test of truth. Upon this point he should call the right hon. Gentleman the Prime Minister himself as a witness. The right hon. Gentleman in his work upon *Church and State* had recorded his deliberate opinion as follows:—

> "We support it, albeit the Church of the minority, on the high ground of conscientious necessity, for its truth."

But was the right hon. Gentleman prepared to follow the argument of numbers to its legitimate conclusion? The landowners of Ireland were far inferior in numbers to those who possessed no land, and therefore the argument of numbers would apply with equal force in favour of a measure depriving the former of their property and distributing it among the latter. It was further said that the Establishment in Ireland had proved a grievous failure; but the right hon. Gentleman had himself answered that objection by telling the House that the Irish Church had never had a fair trial until within the last few years. The right hon. Gentleman the President of the Board of Trade (Mr. Bright) had declared that the Church in Ireland was established for the purpose of converting the people of Ireland, and of knitting them into union with England. The right hon. Gentleman, with his knowledge of the New Testament, must be aware that the primary object for which the Church was founded was that it should be a witness for truth. Undoubtedly we are entitled to expect as a result of that witness that the people should be converted and more closely united to this country; but, it did not follow, that because the effects expected from it had not been seen, therefore the testimony to the truth had not been faithfully given. A careless mariner might neglect the warning given by the friendly beacon; but we never heard a man argue, that, because a ship had been wrecked in its neighbourhood, therefore a lighthouse should be pulled down, or the light put out. But had the Irish Establishment been altogether a failure? He had it on the authority of gentlemen well acquainted with the subject that the average congregations attending the churches in Ireland were equal to those who attended churches in this country. ["Oh!"] If hon. Members would turn to the official Report of the Commissioners, published in 1834, they would find that the Church population in parishes in Connemara and Joyce, in the county of Galway, which only amounted, in that year to 692, had increased to 2,379, in the year 1861, according to the Census Returns. The Bishop of Tuam, in a speech which he delivered about two years ago, had stated that the number of the Church population in his diocese had also largely increased. Moreover, large numbers of converts from Romanism had left for England and Scotland, or for emigration to America, and large numbers of young men had enlisted in the army or joined the navy. The next point alleged in favour of the measure was that the Church of Ireland was the cause of the discontent, which had culminated in Fenianism; but that remained to be proved. What had been the result of the promise which had been held out by the Government that the Establishment in that country should be abolished? He read in *The Times* of the 20th of March, 1869, under the head of "Ireland," the following statement:—

> "The spirit of the misguided patriots is as perverse as ever. Colonel Warner counsels union against the common enemy. . . The people of Ireland are determined to be free. England is beginning to believe we have made up our minds to the end. I believe in the eloquence of the sabre."

The Establishment was the cause of discontent, not because of itself, but because it was associated with British power. The right hon. Gentleman the President of the Board of Trade asserted that it was objectionable as being a badge of conquest; but were not the tax collectors, the British army, and the presence of the Lord Lieutenant, as the representative of the Crown, equally with the Irish Church badges of conquest? Were they to be abolished also? If so, the right hon. Gentleman should go a little further, and should bring in a Bill to repeal the Union. The true cause of the discontent in Ireland was pointed out by a gentleman who was formerly the representative in that House of Sheffield, and he must express the regret he felt that that gentleman no longer occupied his accustomed seat. In addressing his constituents last month, Mr. Roebuck said—

> "The real difficulty of Ireland is the priesthood. . . . . . . We do now to Ireland what we do to ourselves, and the only reason why we are not at peace with Ireland is the priesthood of that country. . . . . . . You cannot allow a power in Ireland to be supreme over the Protestant power of England. Give the Irish people what they are entitled to, and no more, but recollect that the Catholic priest is never satisfied. He is never satisfied unless he is dominant."

Then they were told that this measure would do no injury to Protestantism. It might be that Irish Protestantism was no mere sickly plant, likely to die without a struggle, and that Irish Churchmen would rise to the occasion, but that was no reason why they should be treated with injustice. If this measure were carried out in its entirety, would it or would it not give an impetus to Romanism in Ireland? Surely that was the view of the matter that Roman Catholics took, or otherwise they would not be found among the advocates of the Bill. They support it, and they have good reasons for so doing. First, it removes a rival from a post of advantage; then, it provides a permanent endowment for Maynooth; and, further, it will place other funds under the control of the Roman Catholic Bishops. The right hon. Gentleman the Chief Secretary for Ireland, in answer to the remarks of the hon. and learned Gentleman the Member for South-west Lancashire, asked how could the people of Ireland be benefited by this measure if the surplus of the money of the Irish Church did not go to the Roman Catholics? But the objection which the hon. and learned Member made and which the right hon. Gentleman ought to have answered was, that the surplus funds of the Irish Church property would find their way into the hands of the Roman Catholic Bishops in Ireland, and be administered by them for their own purposes. If this were the case, the House of Commons by this Bill would be giving an impetus to Romanism; and if they did that, they would be giving an impetus to the deadly enemy of Protestantism. The consequence would be that either one of the two must at once go down, or there must be a long and deadly struggle between them. And yet this was set before them as the measure which was to produce peace in Ireland. Another hint had been thrown out that the history of Ireland was just about to commence; that Ireland was no longer to be treated as an integral portion of the Empire, but as a colony, like Canada; that her present Government was provisional. But what had been done for Canada? Canada possessed a Legislative Assembly. Did they mean to give a Legislative Assembly to Ireland? The Secretary for Ireland said that this Bill ought to be passed because the Irish people had demanded religious equality. A portion of them might have done so, but had they never demanded Repeal? Was it also to be given to them? Why did Her Majesty's Government resist the one demand and yield to the other? The demand for disestablishment, made by only a portion of the people, was to be granted. How long could they hereafter resist the demand for Repeal, made, as it would be, by the voice of united Ireland? Another reason for the Bill, urged from the Government Benches, was that the time had come. The Prime Minister told the House that there was a crisis in the affairs of Ireland—that—

> "Venit summa dies et ineluctabile fatum."

The Chancellor of the Exchequer had put it in an epigrammatic manner—"The hour is come and the man;" but was it not the man who had made the hour? The fact was, there was a perpetual crisis in Ireland, and they ought to show that the measure proposed would remedy the evil. But this had not been done. Another reason, recently offered to the House, in support of the policy of the Government was, that a good use would be made of the money. The right hon. Gentleman the President of the Board of Trade in very touching language reminded the House of the many phases of human woe and human suffering which could not possibly be removed, but which the kindly provisions of the Bill might tend to relieve; and he reminded them of the spirit of Him whose life was pourtrayed in the Gospel, and of His sympathy for human suffering; and he seemed to intimate that they would be rendering an acceptable service to the Almighty by appropriating the money taken from the Church in the manner proposed. The right hon. Gentleman appeared to have forgotten that the same Volume of Inspiration forbade in express terms robbery for burnt offerings. If they examined the reasons that had been alleged on behalf of the measure—if they carefully removed all irrelevant matter—what was left? Did any substantial reason remain why the House should adopt the policy of Her Majesty's Government? After a careful analysis, the only residuum to be found was that which was expressed by the old satirist—

> "Hoc volo, sic jubeo, sit pro ratione voluntas."

He thought that no cause had been shown for going into Committee. The fact was, three principles were assumed in the arguments of the supporters of Government which could not be proved to be true. They were these—that the inhabitants of a nation collectively and the individuals who governed were not severally responsible for their public acts; that numbers or population were to be regarded as the test of truth, and that ecclesiastical property might be correctly represented as national property, that is, as held under an entirely different tenure from any other property. The first and second of these principles referred to disestablishment; and any hon. Member who doubted on the subject would do well to read the book of the Prime Minister, which had never yet been answered. The right hon. Gentleman had explained the reason which had induced him to change his opinion; but he had not answered his own book. The third proposition related to disendowment. It was stated that the property of the Irish Church was national property. Was this so? What were the facts of the case? He spoke subject to correction by any hon. and learned Gentleman present, and he asserted that, according to English law, all property in the country, whether that of individuals, or that of corporate bodies, was held of the Crown. Undoubtedly, the Crown might, for sufficient reasons, with the advice of Parliament, resume possession of any property. But that applied to property held by an individual as well as to that held by a corporate body. The House did sometimes legislate as regarded private property. For instance, in the case of felony, the felon forfeited his property; but it did not follow from this that the Crown was to seize the property of an individual without assigning any reason for so doing. If Parliament declared that any man who wore a white hat should be deemed guilty of felony, it would not be right of it to deprive of their property all men who wore white hats without giving them previous notice of it and assigning a reason. The title of the Irish Church to retain her property was now disputed; but he would quote Roman Catholic authority on that point. The Rev. Nicolas Slevin, in his evidence before the Commission on Irish Education, in 1826, made this statement—

> "I consider present possessors of Church property in Ireland, of whatever description they may be, have a just title to it on various grounds. . . . They have been *bonâ fide* possessors for all the time required by any law for prescription, even according to the pretensions of the Court of Rome, which requires 100 years, and even on ground of express consent of those who might have any pretension to it."

The rev. gentleman referred to a rescript of Pope Benedict XIV., in 1752. Did the House want any more proofs'

[" No."] Then he might assume that he had proved his case, and that hon. Gentlemen on the other side were going to vote against going into Committee. What was the view taken of the rights of property by lawyers in the United States? He commended the opinion of Chief Justice Redfield on this point to the notice of the President of the Board of Trade. That right hon. Gentleman was loud in his praise of everything American, both in the House and out of it. Chief Justice Redfield says, with reference to the case of property belonging to Trinity Church in New York, that—

> " The humblest citizen and the mightiest corporation hold their pecuniary rights by the same tenure, the public sense of justice. The same act of legislation which distributes the property of Trinity Church for such objects and purposes as seem meet to the Legislature, or what is the same thing in principle, subjects it to control foreign to its charter, might also deprive the humblest citizen of his home, or his bed, or his Bible. And, if the first is allowed now, the day will come when the others cannot be successfully resisted."

He thought it was due to the House that the Government should offer some explanation of their intended invasion of the rights of property. He wished now to state some substantial reasons against the Bill. He believed it would add to the Irish difficulty. It was unjust to the Protestants of Ireland. The mode in which the First Minister proposed to deal with them reminded one of the stories of those Arab robbers, who, having taken all a man possessed, looked out for the most ragged shirt they could find in his wardrobe, and gave it to him as an act of unparalleled generosity. But this was the course taken by the Bill. They were told that this measure would give the Roman Catholic population in Ireland confidence in the English government. The measure could not be intended to deceive the Irish people; and if it were not Parliament would have to re-model our whole system of government in Ireland, so as to make it accord with Fenian policy. He believed the policy of this Bill would recoil on the people of England, the Church of England, on the Crown of England, and on the tenure of property in England. To show that the latter was no rash assertion, he would refer the House to certain proceedings at the International Working Men's Congress held at Brussels, in 1868. It was said that our fears were chimerical; but at this Congress, according to the report in *The Times*, the following resolutions were passed:—

> " The soil ought to be common property. Private property in soil, as it at present exists, has been created by legislative Acts, and can be abolished by legislative Acts, as humanity has abolished other institutions when they have become hurtful to society."

What was the feeling of Ireland upon this question? The measure did not produce much quiet there, for *The Times* of April 12 reported that—

> " The Ribband conspiracy has again reared its head in more formidable proportions than usual. . . . Criminal justice is almost paralyzed by a secret organization. . . . It aims at the redress by violent and lawless means of supposed agrarian wrongs."

The population of Ireland, therefore, was looking forward to a change in the tenure of property. He had been surprised to hear it urged by the hon. Member for Galway (Mr. W. H. Gregory) as a justification of this measure, that Parliament enabled railway companies to take private property for the purposes of their works. Why, Parliament never allowed this to be done without ample compensation. Had there ever been an instance in which Parliament permitted a private company to cut through Church land, and had said that no compensation need be made because it was national property? This was, in fact, a step towards the overthrow of the Protestant Constitution in England. One by one the distinctive marks had been removed, and now it was said that Protestant ascendancy must perish. Why? What evil had it done? On this point he would read the opinion of a hon. Member of the House (Mr. Sadler), in 1829, who said—

> " Protestant ascendancy the source of the disorders of Ireland! Why, Sir, any man who knows anything of the history of that unhappy country—and I speak in the hearing of many who will correct me if I err—must be well aware that the state of things now sought to be remedied, and the turbulence and the misery which it occasions, existed in a still greater degree, and produced far more lamentable consequences before the Reformation, when, consequently, there was only one religion in the country."—[2 *Hansard*, xx., 1151.]

The change to be effected by this measure in the relation between Church and State appeared to him to be an act of national apostacy. As he understood the argument of the hon. and learned Member opposite (Sir Roundell Palmer) respecting this point, it went to prove that a change of form in the national religion was not necessarily an act of national apostacy. In that he concurred. But he could not agree with the hon. and learned Gentleman that the religion of each individual would remain the same as it was before the change, where the individuals in their collective capacity had cast off all religion. The nation was but an aggregate of individuals. If these collectively decline to recognize God, could it be said that the relationship of each individual to Him had undergone no change? The voice of the multitude forming the State was the voice of individuals, and the responsibility of each individual constituted national responsibility. He believed that national sin must be followed by national punishment, and therefore he urged the House to reject the Bill. He urged this not in the interest of the Church, but of the nation. They were told that God would defend His own truth. No doubt; but would He bless the nation who deliberately cast off all recognition of His truth? What was the feeling of the people of America on this subject? The same copy of *The Times* which contained the speech of the Prime Minister introducing the Bill contained a quotation from the *New York Times* with which he would trouble the House—

> "A great number of petitions have been presented to Congress of late asking for an amendment of the Constitution that will recognize the existence and authority of the Almighty, and some of them ask for an acknowledgment of the Christian religion."

Then there was a notice of a Convention, consisting of a hundred delegates from different religious denominations, which met at Ohio, February 2, to consider the claims of God and of the Christian religion upon the State and the nation. This was one of the resolutions—

> "Nations are moral persons and bound by moral law. . . . . Like a family, the nation may, and ought to, worship God."

While we, therefore, were casting off all national recognition of religion, the Americans were beginning to see the importance of such a recognition. He thought he had shown conclusively that the arguments and assertions by which this Bill was supported were not based on proof, and that sound reasons exist against the adoption of the policy of the Government. This measure would not bring peace to Ireland or strengthen the United Kingdom. It would alienate the Protestants of Ireland. They were planted in Ulster for the purposes of England; they were persuaded to accept the Act of Union under the idea that thereby they would acquire greater security, and now we turned round and said —"You are no longer to be considered as a part of the United Kingdom; you are but a minority in a Roman Catholic country; we will no longer respect the solemn compact by which we bound ourselves; oaths and promises go for nothing; we will cut you adrift and you must take care of yourselves." They would do so probably, and at our cost. What was there to set against this? Was it probable that the majority in Ireland would be won over by this act of perfidy? Fenianism was as perverse as ever. Ribbandism, according to *The Times*, was reviving and worse than ever; the majority, stimulated by the measures of the right hon. Gentleman, would, as of yore, plot sedition; and the minority, who had been our allies, would be driven by our own act into the ranks of our opponents. There was no prospect of peace for poor Ireland; no prospect of increased friendship towards England. We had been told that the vessel of the State was about to enter troubled waters. Was this a time to fling away our compass, to tear up our chart, to abandon the helm of principle, and let the good ship drift before the wind of a false and mis-called expediency? Who could tell whither it would drift? Yet this was the advice offered to the House and the country by Her Majesty's Government. He believed that it was not sound advice, and in the name of his constituents he protested against it.

Mr. PERCY WYNDHAM said, he wished to offer a few remarks as to the way in which it was proposed to deal with the College of Maynooth. As he understood the proposal of the Government, the effect would be that Maynooth would receive a lump sum of £360,000 in lieu of the grants of £26,000 a year from the Consolidated Fund. Now if in 1845 Maynooth had been offered a lump sum of £360,000, could there be a doubt that she would have gladly accepted it in place of the annual grant of £26,000? The right hon. Gentleman had stated that the Irish Church was to be disestablished because it was the religion of the minority; and that whenever he cut across an educational institution it must be treated with a tender hand. The right hon. Gentleman also said that, when the time came to treat with Trinity College, Dublin, they would have to treat it also with the same tender hand. But there was no analogy between the two cases. Maynooth was not an educational institution in the sense in which the right hon. Gentleman used that word. It was simply an institution for the education of the priests of the Roman Catholic Church. He did not say this in hostility to Maynooth, for he would apply the same test to an institution for educating Protestant clergymen; but Trinity College sent out a vast number of laymen every year. He was one of those who thought that the proposed change was one with which the Irish people, taken as a whole, had no sympathy, and one which would be regarded not as a concession to what the right hon. Gentleman at the head of the Government called the irresistible tendency of the age to religious liberty, but as a mere sop to men who were supposed to be disloyal.

Mr. GREENE, having referred to the fact that the Motion which he had made last year to the effect that the funds of the Irish Church should not be devoted to the support of any religious denomination whatsoever, had been supported by Mr. Mill and other Liberal Members, expressed his regret that the hon. Member for Kirkcaldy (Mr. Sinclair Aytoun) had not been able to bring forward his Instruction that day; he also regretted that it had been his own lot to come into that House to meet men who, in his opinion, were departing so far from the paths of honesty in the example they were setting to the country. ["Oh, oh!"] The question under discussion he maintained had been brought forward for mere party purposes. The right hon. Gentleman at the head of the Government could not lay his hand on his heart and say that he had not taken it up with the view to gaining Office; and he certainly must give him credit for having, at least, displayed considerable tact in the matter, for he had adopted a course in following which he knew he must draw along with him Dissenters, Roman Catholics, Infidels, Atheists, and all extreme men of that kind. Against the Bill of the right hon. Gentleman he must, however, in the strongest manner protest, and there was no opposition to it of which the forms of the House would permit to which he would not be a party at every stage. The fact was the country had not had time to consider the question. The measure of the right hon. Gentleman and the sketch which he gave of his proposals in his election speeches were not one and the same thing, and it was necessary that the constituencies should be further educated before a decision upon it was arrived at. He, for one, most decidedly objected to having a measure involving consequences so important hurried through Parliament because a large majority chose to oppress a minority. Many hon. Members, no doubt, were by no means anxious to go back again to their constituents, but to him it was a pleasure to visit his, living, as he did, constantly among them. If, after the constituencies had been consulted on a Bill which assumed a new form, and which involved proposals which at the recent election were not thoroughly understood, the verdict of the country were favourable to the policy of the Government, he for one would submit to that verdict, but he declined to entertain the Bill as things stood. He should like to know how it was that such silence was maintained on the other side of the House that evening; and how no attempt was made to answer the convincing speech of the hon. Gentleman the Member for North-east Lancashire (Mr. Holt). He was convinced that that speech was not answered because it could not be answered. They were asked to degrade the Protestant Church in favour of the Romish Church. If the House had been asked to divide the funds of the Protestant Church in Ireland with the members of the Roman Catholic persuasion in that country, there might have been something like justice in such a proposal, but it was unjust to take the funds of the Irish Church and distribute them amongst poorhouses, that ought to be supported by the land. There seemed to be a great desire among those who sat on the Ministerial Benches to stifle discussion on the subject, and the Speaker had expressed himself in stronger terms on that point that evening than he had ever heard him use on any previous occasion. Men expressing Liberal views had altered their opinions about the Irish Church. Let them answer on the Ministerial side, and let it not go forth that, having been challenged from the Opposition side, nothing was said by the supporters of the Bill in reply. He hoped the debate would be continued, and that they should not go into Committee that night. Gentlemen who supported the Bill might rely upon it that the country was not with them. [*Laughter.*] Gentlemen might laugh; but they would not laugh so much when Parliament was dissolved. Nothing made a man so serious as to talk to him of re-election.

Mr. LEFROY said, that he should reserve any comments upon the details of that measure until he had an opportunity of bringing his own Amendments before the Committee. With respect to its principles — or, rather, its no-principles — of disendowment and disestablishment, he should not trespass upon the attention of the House, for the dangers of those steps had been so ably commented upon by right hon. Gentlemen on that side of the House, and especially by his right hon. Colleague the Member for the University of Dublin (Dr. Ball), that he did not feel at liberty to dwell at greater length upon the subject. He would only say with respect to the powerful speech of the hon. and learned Gentleman the Member for Richmond (Sir Roundell Palmer), that whilst he fully sympathized with his views regarding disendowment, he regretted that the learned Gentleman did not go as far as he himself did on the question of disestablishment. He thought, however, that if he had enjoyed his experience of the importance of connecting the State with religion in Ireland, and if he knew the dangers that would issue from their separation, and could anticipate the disappointment that would be occasioned to the residents in the country, he would not, he was sure, have yielded as much upon the question of disestablishment as he had done. He must also express a difference of opinion from his learned Colleague (Dr. Ball) on a subject which had been considered of late—the subject of levelling up. He would never for any object vary the line of conduct he thought it was his duty to pursue, and in accordance with that feeling he must express a difference of opinion from his learned Friend. He felt more compelled to do that, inasmuch as the great proportion of the constituency they both represented, expected him to take that opportunity of expressing their dissent from the opinions which the learned Gentleman had so eloquently expressed upon that point in his speech on the second reading of the Bill. He protested against that Bill being hurried through the House without its receiving the fullest consideration. Neither he nor any of those with whom he acted, had been shaken for one moment in their opposition to the dangerous principles of the Bill; but looking to the interests of his constituents, to their future hopes and prospects, he considered that he would be a bad friend to them, if, after the majority of the House had carried the principle of the measure in a constitutional manner, he refused to give any assistance to the improvement of the terms it had made with the Church. On that ground, if the Bill were carried through Committee, he should do his best to improve it, and would join with either side of the House in the endeavour: he was not disposed to join with those who attributed unworthy motives to those who had brought forward the Bill; but, at the same time, he thought that they had been greatly mistaken, and that the measure was dangerous to the country and prejudicial to the interests of the Church. Disestablishment was a dangerous alienation of religion from the State; and the Bill was unjust and ungenerous — unjust to the laity, and ungenerous to the clergy. All he trusted was that in their legislation the House would respect the cause of religion.

Mr. WHALLEY asserted that there was not in the House any Member more anxious than he to hasten the settlement of this question. The principle of the measure was that the Church in Ireland should be disestablished—and, incidentally, disendowed. That principle had been approved by the country, and therefore the sooner the House acted upon it the better. In spite of the taunts of the hon. Member for North Warwickshire (Mr. Newdegate) he would venture to express his thanks to the Prime Minister for having brought the measure forward, though he trusted the right hon. Gentleman would be willing to listen to any suggestions that might be made on either side of the House with regard to the details. The names of the right hon. Gentleman and of the President of the Board of Trade, if guarantees for anything, were guarantees for the principles of Free Trade, and of a fair stage and no favour. He believed that no fewer than seventeen seats had been won by the Opposition in consequence of a person of unhappy reputation named Murphy having raised the Protestant standard in the county of Lancaster. Now, he had been to a certain extent associated with that individual, and he would confess, in spite of what had fallen the other day from the Home Secretary, that he was at the present time endeavouring to get a dozen Mr. Murphys to go about the country raising the Protestant standard when this question was got rid of. He regretted to find himself separated from the hon. Member (Mr. Newdegate) by this question of the flesh pots of Egypt, and he trusted that when the Bill had once passed there would remain nothing to keep Protestants asunder. Since he had sat in that House he had given expression to views which he believed were those of the great majority of the people of this country. He differed from Roman Catholics, not on account of their religion, but because he would not recognize any foreign Power within the realm. He wished to make an appeal to the right hon. Gentleman at the head of the Government, who, according to the newspapers, was in frequent communication with the heads of the Roman Catholic hierarchy as to the arrangement of the details of that Bill. The heads of the Roman Catholic hierarchy evidently took the same view as he (Mr. Whalley) did of that matter — namely, that the Protestant Establishment in Ireland was their great buttress and support—that it afforded a pretext for the continuance of the Maynooth Grant and the £1,000,000 sterling obtained from the public for Roman Catholic purposes in England and Ireland, and they consequently objected to allowing the Irish Church to be disestablished unless Maynooth were at the same time endowed, and the surplus funds of the Church were applied to lunatic asylums, Sisters of Mercy, and other institutions in connection with which the money so applied would inevitably come under their control. He would, therefore, ask the right hon. Gentleman, with regard to the further appropriation of those funds, whether it was not in direct opposition to every principle which he had recognized to endow permanently those institutions under the guise of charities. Such a measure would, in fact, inflict the greatest possible curse upon Ireland, sow the seed of future discord in that distracted country, and retard indefinitely the great objects which they all had in view. He had given notice early in the evening of a proposal that the surplus funds of the Irish Church should be devoted to paying off the National Debt; and, although the forms of the House might preclude his bringing that Motion forward, he submitted that it offered a fair and reasonable solution of their present difficulty. When, he would ask, had Ireland applied for any money for lunatics, idiots, and other afflicted persons without getting it? And he maintained that for every pound appropriated in Scotland, England, or Wales to the purposes to which the surplus funds of the Irish Church were intended to be devoted five at least were at this moment so applied in Ireland. He, therefore, entreated them to pause before they created, by means of these funds, a gigantic system of charity in a country in which, above all others, it was most essential that all such money should be strictly kept under the control of the givers.

MR. CHARLEY congratulated the Prime Minister on having received the benediction of the hon. Member for Peterborough (Mr. Whalley) who had been reconciled to the Church of Rome over the prostrate form of the Protestant Church in Ireland. He also congratulated the Romish Church on the convert she had made in the person of the hon. Member. The hon. Member had spoken of Mr. Murphy in no complimentary terms; but he believed the hon. Member was one of the executive of the Protestant Electoral Union, who, it was generally understood, employed Mr. Murphy to go about the country lecturing. They were told that this question had been amply discussed. It would take years to discuss it amply, and they were now only at the beginning of the discussion. He had no wish to say anything disrespectful of the Prime Minister; but he must say that the right hon. Gentleman owed his present position to the united bigotry of England, Scotland, and Ireland. To the bigotry of English liberationists, who were opposed to all Established Churches; to the bigotry of Scotch Presbyterians, who were opposed to prelacy; and to the bigotry of the Irish Roman Catholics, who were opposed to Protestantism. The Liberal Press, Gallio like, "cared for none of these things," but it cared a great deal for secularizing the institutions of the country; and the Liberal Press had gathered up these elements, this unholy trinity, and baptized it "Liberalism." The Liberal Press of this country, he was sorry to say, had resorted to the *suppressio veri* and the *suggestio falsi*, and it was by these means that statements had been circulated through the country and accepted by the country as true which were not true. Thus, last week, the *Pall Mall Gazette* reported resolutions passed at a meeting of what purported to be "the Belfast Presbyterian Association," warmly extolling Mr. Gladstone's policy —the fact being that the Resolutions were passed at a meeting not of an association representing the Presbyterians of Belfast, but a knot of noisy agitators called "the Belfast Liberal Presbyterian Association," some of the members of which were so fanatical as to object to the compensation of vested interests. A clear case of the *suppressio veri*, on the strength of which the *Echo* this week represented the Presbyterians of Belfast as "warm supporters of Mr. Gladstone." He knew something of the Presbyterian feelings of the Presbyterians of Ulster. He had been brought up amongst them. The hon. and gallant Member for Dungannon (Colonel Stuart Knox) had to thank the moderator of the Irish General Assembly for standing by his side when he canvassed the constituency, and Newry and Derry would not have returned Liberal Members if the elections had depended on the Presbyterian electors. The hon. Member for Newry had polled only thirty Presbyterian votes. The hon. and learned Member for Derry (Mr. Serjeant Dowse) made a great parade the other night about his being an Irish Episcopalian, but only thirteen Episcopalians voted for him, whilst of the Presbyterian electors only 177 voted for the learned Serjeant and 280 for Lord Claud John Hamilton. And in Belfast the junior Member owed his election entirely to the split in the Conservative camp. ["Question!"] He was speaking to the question — namely, whether the Presbyterians of Ulster were in favour of this Bill. The hon. Member for Carrickfergus (Mr. Dalway) had shown that he was a hearty supporter of the Protestant institutions of the country. They were told in the *Telegraph* that the Tory party had accepted the Irish Church Bill in the face of the Amendment placed on the Paper by the right. hon. Gentleman the Member for Buckinghamshire to leave out the second clause which went to the root of the question of disestablishment. The right hon. Gentleman at the head of the Government told them that this Bill would show them what metal they were made of. It was not difficult to see what metal the right hon. Gentleman was made of—he was made of quicksilver, equally fluent and equally unstable. He (Mr. Charley) trusted that the Constitutional party would be as adamant on the question of disestablishment. They were told that this question had been argued out; but he had not heard anything whatever in the nature of an argument from the other side—nothing but taunts against the Conservatives that they had no policy for Ireland, and stale quotations from former speeches of the right hon. Member for Buckinghamshire. All the arguments had come from his side of the House, except the speech of the hon. and learned Member for Richmond (Sir Roundell Palmer), and that, *The Times* had declared, remained unanswered from the Ministerial Bench. How did *The Times* answer it? On the 23rd of March *The Times* said—

> "Mr. Gladstone touched, but wholly failed to meet, the argument of prescription. It is impossible to plead the principle of prescription in favour of the Protestant Establishment. The only Court open to Catholic claimants is Parliament, and that was not open to them before 1829. Add to this that they have never acquiesced in the Protestant occupation of the religious endowments of the island, and the conclusion is inevitable that, if the principle that tithes are local endowments be true, the moral right of the Catholic Church to their use cannot be evaded. This is sufficient to displace all title on the part of the Protestant Establishment."

But would not that argument apply with equal force to England; and were Englishmen prepared to admit that the Roman Catholic Church was entitled to the endowments of the Church of England? It was argued that no prescription ought to be allowed to the Protestant Church in Ireland; but a few years ago the right hon. Gentleman, in company with the late Sir Robert Peel, Lord Lyndhurst, and Sir William Follett, earned the thanks of the Unitarian body for having passed a law by which the prescription of twenty-five years gave them a right to their chapels against all claimants. As to the taunt about the Conservatives having no policy with respect to Ireland, admitting, for the sake of argument only, that the Conservatives have no policy with respect to Ireland, was it right or just to punish the Protestants of Ireland for the shortcomings of the Conservatives? As to the stale quotations from the speeches of the right hon. Member for Buckinghamshire, these might be more than matched with former speeches of the First Minister of the Crown, who declared that the Protestants of Ireland formed the most natural bond of union between the two countries. The party opposite had deserted the policy of the great Whig statesmen of 1688—the policy of Somers and Halifax—who were content to rest a new dynasty on the victories of Irish Protestants. The right hon. Gentleman wished to efface the memory of those victories and Protestant ascendancy, but he could not efface them without at the same time effacing the title of the House of Brunswick to the Throne. What, he asked, would be the position of the small Protestant bodies in the West and South of Ireland if this Bill should pass into a law, which God forbid? They were exposed to many temptations to change their faith; they were breathing a Roman Catholic atmosphere; their children attended schools of which the Roman Catholic priests were patrons, and these priests were ever whispering in the ear of the Roman Catholic wife and mother that she ought to bring up the children in the Roman Catholic faith. Had it not been for the parochial system and the watchful care of the Protestant clergy, the Protestants of the South and West would long ago have been absorbed into the Church of Rome. The priests would be able to do what they liked if the eye of public opinion was not on them, and public opinion would be withdrawn if the Protestant ministers were withdrawn. It was supposed by some that the police and the military would be able to hold Ireland; but trust who would in the bayonet of the soldier and the truncheon of the policeman, give him the peaceful influence of the quiet parsonage house nestling among the trees, the church with its taper spire pointing to Heaven, and the clergyman armed with the sword of the Spirit, and weapons tempered in the armoury of Heaven. This was not a question between the right hon. Gentleman and the Leaders of the Opposition merely, it was a question between him and the great constituencies, such as Lancashire, and he thought the Prime Minister who could neglect such constituencies, and ride over them rough-shod with a tyrant majority, was hardly competent to undertake the delicate task of legislating for the Church. He had no doubt that the verdict, if not of this House, at least the verdict of another House, would be that of the great and bold Barons, when it was proposed to them by the Prelates of the Church of Rome to alter the fundamental laws of the realm—"*Nolumus leges Angliæ mutari.*"

Mr. DEASE said, he felt bound to inform the hon. Member for North Warwickshire (Mr. Newdegate), that the Roman Catholic Members of that House were not to be dictated to in the performance of their duties by any authority whatever but their own consciences and their sense of right. He had spent many years on the shores of the Mediterranean, and of all countries in Europe the least priest-ridden were those which professed the Roman Catholic religion. In Italy, Spain, France, and Austria, the people were warmly—he might say intensely—attached to their religion; but in the performance of public duty they had come into collision with the ecclesiastical authorities of those countries, and had carried their point, still remaining devotedly attached to the Roman Catholic religion. He would make one observation more. It had been asserted that the Prime Minister had brought forward this Bill for the purpose of creating political capital for himself. Now, no one could have studied the history of England's greatness without observing how many opportunities of settling this question English statesmen had thrown away. At the time of the Union it might have been settled with ease, and Ireland would have been made prosperous and content. But Pitt was in advance of his age—he was out-voted—the opportunity was lost, and there followed twenty-seven miserable years of ascendancy. In 1829, the question might again have been settled, though not so satisfactorily, but again the opportunity was neglected. Now once more, the opportunity was before them—once more the Sybil offered her books at undiminished price—he hoped they would not again return a negative. For the information of the hon. Member for Peterborough (Mr. Whalley), he would remind the House that, at the Congress of Vienna, a claim was made on the part of British subjects in respect of large endowments for the support of priests, contributed by Catholic families, subjects of Great Britain; and after some negotiation the clause was conceded, and a large sum paid to the British Government as compensation for confiscated property; but of that sum not a penny was ever given to the support of the Irish priesthood. He believed the facts were stated by Sir Robert Peel when he brought forward his measure for the endowment of Maynooth, which endowment was in truth only a small portion of the money which had been paid in the way of compensation to the British Government.

Viscount SANDON said, he wished to add one or two arguments to what he looked upon as the overwhelming mass of reasons that had already come from his (the Opposition) side of the House, and which appeared to have prevented hon. Gentlemen opposite from replying to them. He should avoid saying a word which could cause pain to any Roman Catholic, as Protestants all acknowledged and revered the rights of individual conscience. The Prime Minister and the Solicitor General in their recent speeches had, in a tone which he ventured to say was not calculated to promote the objects they had in view, advised them not to contend against the inevitable. Now those on his (the Opposition) side of the House had a right to claim to be met with arguments, and not with such appeals which generally betrayed a sense of intellectual weakness, and a reliance upon material force. Was it, he asked, the wish of the country, after a measure of this immense importance had been before the public for only eighteen months, that it should be hurried through the House as if the matter had been settled with one voice? Whether they were right or wrong large masses of the people were devoted to the Reformation cause, and that was not a matter to be laughed down or ridiculed by the hon. Members opposite. It was a matter for quiet and sober argument. It was no light thing to stir up ill-blood between great masses of Her Majesty's subjects, and it would be a very dangerous matter if the country got hold of the notion that whenever a topic connected with the Protestant Reformation was started in that House it was received with laughter and sneers. He respected every man's religious feelings, and he said above all things let us not attempt to sneer them down by laughter. He wished to address the House on a single definite point, because it seemed to him absurd that each speaker should endeavour to review the whole subject. His point was this—Is it a matter of total indifference to a free State with free institutions whether one or other of those great forms of religious belief—Protestantism and Roman Catholicism—is prevalent within its territories? Is it a matter of policy to such a State which wishes to maintain such institutions to discourage Protestantism? He asked this question from a layman's point of view and from a civil point of view; and he would not touch on the theological or ecclesiastical aspect of it. Before answering these questions it was necessary to consider whether the Bill which had been brought forward with the very best motives by the right hon. Gentleman at the head of the Government was or was not a blow to the Protestant cause. He would pass by the question of disestablishment, though no one felt more strongly than himself on that subject; for he believed that it was the duty of the State to place within the reach of every subject of the realm the ministrations of that religion which it believes to be true, while it forces it upon none. He also believed that one of the great advantages of establishment was to secure the ministers of religion from the tyranny of the lay members of the Church, and to check the sacerdotal spirit. He thought another advantage was that it protected lay members of the Church from the tyranny of the priests; that the nomination of Bishops by the Crown promoted peace within the Church, and prevented difficulties that had befallen Canada since nomination by the Crown had ceased there; and that it was of the greatest service to a religious body that those at its head should be brought into contact with the lay element in Parliament, and should know what was going on among the leading laymen of the country. Deeply as he had always valued the supremacy of Her Majesty, he valued it much more since he had learned what very great importance was attached to supremacy by Archbishop Manning, the head of the Roman Catholic Church in this country. Archbishop Manning, in his *Essays on Literature and Religion*, stated—

> " It is visibly providential that at this moment the supremacy of the Crown, which is the Reformation *in concreto*, has come to nought. . . The providence of God has poured shame and confusion on the Tudor statutes. The Royal supremacy has perished by the law of mortality which consumes all earthly things. At this period of our history the supremacy of the Vicar of Jesus Christ re-enters as full of life as when Henry VIII. resisted Clement VII., and Elizabeth withstood St. Pius V. The undying authority of the Holy See is once more an active power in England ; the shadow of Peter has fallen again upon it."

Hon. Members doubtless would agree with him that if these views of the Archbishop were to be taken as true, they would begin to value the supremacy of the Crown of England much more highly than they had ever done before, instead of aiding to lessen or destroy it. But was it or was it not good for a Church to be stripped of its property ? Hon. Gentlemen on the other side of the House had alluded a good deal to the case of the Free Kirk of Scotland. We all admired the great works accomplished by that Church after the secession, but were apt to forget that it was made voluntarily, and as the result of strong devotion to one great principle. And therefore it was worth while to consider the verdict passed by that eminent leader of the Free Kirk, Dr. Chalmers, in the very year that his honoured life was closed, and nobody, he presumed, was so good a witness on that point as Dr. Chalmers himself. He said—

> " We rejoice in the testimony of the Free Church for the principle of a national Establishment, and most sincerely do we hope she will never fall away from it. Little do her enemies know that she is at this moment lifting a far more influential testimony on the side of ecclesiastical endowments than can possibly be given in any other quarter of society."

Did it not seem to upset the whole argument drawn from the supposed example of the Free Kirk when so great a leader as Dr. Chalmers declared, notwithstanding the money which the Church had got, and the noble position which it had assumed, that he would still hold fast the great principles of establishment and endowment ? Was it good or not for a Church to be stripped of its endowments ? The Noncofnormist Colleges of the land, as they knew, were—much to the credit of the members of their Churches—possessed of large endowments—they were most eager for the cause which they had at heart ; but, if it were proposed to strip them of their endowments would they be of opinion that that course would increase their efficiency ? Then, again, look at the Roman Catholic Church in Lower Canada, to which very large endowments had been secured by treaty. A very great change in the proportions of the population of Upper and Lower Canada was going on at the present moment, and the day was not far distant when the same disproportion which existed in Ireland between the Protestant and Roman Catholic populations would exist in Canada between the Roman Catholics and the rest of the population. Did the House expect, or was it at all likely, that the Roman Catholic body in Lower Canada, who were anxious for the spread of their faith, would come forward and say—" We want to progress at the modern rate, and, therefore, we ask you to take away our endowments ? " What was the case in Italy ? In Italy Roman Catholic Church property had been largely confiscated, and the whole of Europe was ringing with their denunciation of the spoilers, and of the iniquity and abomination of stripping the Roman Catholic Church of her lands. They, at least, did not seem to think that their religion would benefit very much by this oppression. Again, in Spain there had been a large absorption of Church property, and just now it was proposed to disestablish the Church. Did the Roman Catholic Church, which certainly did not wish to recede, acquiesce in this attack ? Why, all Spain was full of complaints of the iniquity that was to be accomplished. But was it good for a Protestant Church and for Protestantism that the property of that Church should be taken away in the manner proposed by the right hon. Gentleman ? The House probably was not aware that at the late election in Lancashire, and particularly in the division which the right hon. Gentleman contested, there was a very remarkable change of feeling on the part of a great body of Roman Catholic voters. The great majority of these people, being tenant-farmers, had voted on former occasions with the Conservative party. But on this occasion, somewhat to the astonishment of those who knew their ordinary proclivities, a considerable number voted with the right hon. Gentleman opposite. Was it likely that they did so because they thought his measure one that was likely to benefit the Protestant cause? Then, again, the astute and honoured head of the Roman Catholic Church in England—Archbishop Manning—had taken very great trouble upon this subject of the disestablishment of the Irish Church. His pulpit had spoken out, he had issued addresses, and his attention to the deliberations of that House had been most marked. Would anybody assert that what Archbishop Manning was so very anxious about could be for the interests of Protestantism? Was it according to common sense to suppose that what that most astute of prelates, that cleverest of Churchmen wished to see accomplished was likely to be a good move for Protestantism? Then, cross the Channel; Cardinal Cullen strongly urged the adoption of this measure, and every priest in every diocese was invited to urge it from the altar. Surely, it implied an amount of ignorance upon the part of that House that was scarcely credible to assert that a measure so recommended was for the advancement of Protestant ideas? To go further; in every newspaper on the Continent there was the same sound of triumph over the measure of the right hon. Gentleman. Better, therefore, be frank in the matter. If a great and grave State necessity existed overweighing and counterbalancing the injury to Protestantism which must follow from the measure, let it be declared and recognized. Let the Government repeat the memorable words which Lord Melbourne did not shrink from using upon an issue much less important than that now raised—the Appropriation Clause—let them acknowledge this measure will be a heavy blow and great discouragement to the Protestant cause throughout the Empire. Better face the thing at once, and not be beating about the bush; saying at one time that this measure would be a benefit to the Protestant cause, and at another moment acting in close alliance with the Roman Catholic clergy, who certainly would not co-operate with Ministers if for one moment they believed the Protestant cause would be benefited. The measure then was really what Lord Melbourne has described as a heavy blow and great discouragement to the Protestant cause throughout the Empire. ["No!"] The right hon. Gentleman, in the wonderful speech with which he opened this subject, no doubt had disclaimed any such intention; but facts made it almost impossible not to feel that this disclaimer was consistent rather with the wish of his heart than the conviction of his reason. Taking it for granted, then, that this would be a heavy blow and great discouragement to the Protestant cause, he reverted to his original question—was it the true policy of a free State to discourage and inflict a blow upon the Protestant religion? He replied emphatically, "No"; and he believed that was the feeling of a very large mass of the people of this country. It certainly was a point upon which he and his Friends would not be afraid once more to test the feeling of the country. Why could it not be the true policy of a free State to discourage the Protestant Faith? What were the principles which a free State most jealously guards and most studiously favours? Every Gentleman present would probably agree that the most important of these were—liberty of opinion, liberty of speech, freedom of worship, freedom of the Press, and the liberty of establishing schools of every kind that might be thought desirable for the education of children through the length and breadth of the land. In what light did the governing head of the Roman Catholic body look upon these rights which free States so much valued? Upon this subject he felt it right to refer only to official documents. In the Papal Allocution published only last year the Pope denounced as an "odious law" a law upon the subject of education passed by the Austrian Government—

> "That law," said the Pope, "establishes free liberty for all opinions; liberty of the Press, of every faith; and it grants to members of every confession the right of establishing public schools and Colleges. Schools are to be subject to supreme inspection of the State. It is necessary strongly to reprove and condemn these abominable laws; we declare them null and powerless as regards present and future; we intreat the

> authors not to forget the censures and spiritual punishments which the decrees of Œcumenical Councils inflict as having been deserved *ipso facto* by violators of the rights of the Church."

There was a pretty clear expression of the view taken by the Pope as to these matters. But it might be said this was but a loving remonstrance addressed to Roman Catholics who had deserted their former faith. But see how the same thing applied to England. In his *Essays on Literature and Religion*, published only last year, Archbishop Manning asked—

> "What is there in respect to the temporal power of the Holy See, the prerogatives of the Pope as teacher of the Faithful, the relation of faith to science and to society, which Pius IX. has not gone before and beyond us in asserting? The most Ultramontane assertions among us fall within the range and, therefore, under the shelter of authoritative documents emanating from the Holy See. It is remarkable that such critics as *The Times* and *Blackwood's Magazine* clearly perceive the identity of what is denounced as Ultramontanism and the teaching of the Sovereign Pontiff."

What was Ultramontanism? The answer was contained in the same Essays—

> "The Church, in virtue of the power which she has received from God, has the right to require from the Civil Governor that he should receive at her hands the Divine Law, and act in obedience to her interpretation of its precepts. She has the right to require of every one to accept her doctrine, and whosoever obstinately refuses is against her. . . . The right of deposing Kings is inherent in the supreme sovereignty which the Popes, as vicegerents of Christ, exercise over all Christian nations. . . . Writers have argued and nations declared that Popes have no power to depose Kings, but no Pope, that I am aware of, has accepted such arguments or endorsed such declarations, and therefore I will follow what Popes have said and done rather than the opinions of Gallican legists, or the declarations of heretical Parliaments."

It might be said that these were extreme opinions held only by individuals. But the passages he had already read were clinched by the Encyclical of the Pope issued in December, 1864, in which His Highness condemned as an error the supposition that—

> "It is no longer necessary that the Catholic religion shall be held as the only religion of the State, to the exclusion of all other modes of worship."

And having said this, the same Encyclical letter went on to say—

> "People of the present day, actuated by an idea of social government so absolutely false, do not hesitate further to propagate their erroneous opinion, termed delirium by Gregory XVI., that liberty of conscience and of worship is the right of every one, and that citizens are entitled to make known, with a liberty neither ecclesiastical nor civil authority can limit, their convictions, of whatever kind, by word or by the Press."

He thought this established his assertion, that the civil principles which were most cherished in this country as attributes of a free form of government were opposed not only in detail but in theory by every known authority of the Papal world at this moment. But it might be said that free institutions are in themselves a safeguard against the carrying out of these principles, and America might be quoted against him. He believed that an answer would be found in the Report of Mr. Fraser to the School Commission, who went out to examine into the common school system in the United States. He gave various reasons why he supposed the common school system would probably crumble within twenty-five years, and one of these reasons was the undying hostility of the Roman Catholic hierarchy to it throughout America; surely, therefore, if one of the most cherished of the free institutions of America is in danger of succumbing before the attacks of the Roman Catholic Church, no one has a right to deride us if we doubt the sufficiency of free institutions alone to prevent the success of the civil policy of that Church. He believed that many hon. Gentlemen had been led to concur in the proposed legislation by falling into two great mistakes. One was that of supposing that the Ultramontane party was the only party of Roman Catholics. He believed that Church was now as much as she was formerly, divided into two distinct parties, and that hon. Gentlemen opposite were playing into the hands of the Ultramontane party, which was not the most enlightened party in the Roman Catholic Church, nor the most influential. But they were a body which had been able to get the ear of the Press of late years, and it was the party which had been the most noisy. It was not the party which had produced Bossuet and Pascal in France, or Murray and Doyle in Ireland. The second mistake was the confusing of the ecclesiastical leaders of the people with the people themselves. It had been said that this was the cause of progress, and that the Prime Minister was going on gallantly in the course of progress. But might it not be a question whether he was not gliding back into the way of re-action?

It was a very old trick of governing bodies to govern the people by means of ecclesiastical rulers. That had been tried in Russia, and had completely failed there. Did not the family of the Bourbons try it in one-half the countries of Europe? Had it not failed in Spain, and in France years ago? And did it not fail in Naples a few years ago, to the great joy and delight of the right hon. Gentleman who was now allied with that very body which said that the revolution in Naples was a curse and an abomination? Justice was supposed to over-ride every other consideration, and in the few short speeches which had been made on the other side in answer to the deep learning which had been displayed not only on that (the Opposition) side of the House, but on the Bench behind the right hon. Gentleman, they always came back to that one watchword "justice." No one could appreciate justice more than he did; but in old-fashioned times it was supposed that an act of injustice could not be done without accompanying it by an act of restitution — giving back that which had been unjustly taken away. But this measure seemed to him to be a halting justice, and a very doubtful salve for the woes of Ireland. He implored hon. Gentlemen to consider whether this great measure was not making a sacrifice of present and future good for the sake of carrying out a theory which they were not prepared to follow out on this side of the Channel, and which never had its birth in Ireland itself. There was one other point to which he wished to allude, for he thought it essential to call attention to the effect which this measure might have on the Act of Union with Scotland. That Act said that after the demise of Her Majesty (Queen Anne) the Sovereign next succeeding to Her Majesty in the government of Great Britain and Ireland should take an Oath at the Coronation to preserve inviolably the settlement of the Church of England as by law established in England, Ireland, Wales, and Berwick-on-Tweed. It did not appear, then, that hon. Gentlemen on the Ministerial side of the House were aware of the importance of what they were now doing, and it seemed necessary that another clause should be added to the Bill in order to prevent the Union with Scotland being broken up. In conclusion, he expressed a hope that, putting private feelings aside, they would look at this question with the honest and earnest desire—which he believed actuated every one in that House—to take care that under their hands the United Kingdom of Great Britain and Ireland should suffer no deterioration.

Mr. SCOURFIELD observed that the debate showed hon. Members the disagreeable prospect of having twenty or thirty Mr. Murphys going about the country lecturing upon the subject of the Irish Church. He was apprehensive that when the great body of the clergy were removed from that Church, there would be a great inundation of lecturers from this country whose efforts would produce everything but good. What was to be the result of this measure? A great Liberal, towards the close of his life, said, he had learned one lesson, to insist on the difference between a Christian and a non-Christian. But with regard to this measure it lay between one denomination of Christians and another, and it would secure, so far as the State was concerned, the abolition of Christianity altogether. He was most anxious to see Ireland pacified; but he could not, for the life of him, understand how taking away endowments from one party without doing anything for the other would bring about this result. If they did their duty they need not trouble themselves about the consequences. But if they took away religious endowments they would be responsible for the consequences; and if improvement in Ireland followed, it would occur in spite of what they had done, not in consequence of it.

Mr. E. W. VERNER said, that he wished to make a few observations upon the question whether they should go into Committee upon the vital question—no less vital to England than to Ireland—which had occupied so much of the attention of the House. It was not necessary to enter in detail into the clauses of the Bill to show that it had proceeded far enough in its course. Take it from beginning to end, from the Preamble to the 63rd clause, and they would find it was not only a measure full of injustice, but in addition to this, that it was a deception and a snare. It had been very aptly likened to a man deserting his wife, and carrying off her goods with him. "Justice to Ireland, justice to Irishmen," was the cry. Let them examine it. If the clergy and laity of the Established Church were hardly dealt with; if they were humiliated and robbed; if by a crafty manipulation of dates £500,000 of private money was seized, a very different fate was meted out to the rival Church. The bargain made with Cardinal Cullen was carried out to the letter by the perpetual endowment of Maynooth, nay more, the extraordinary gift was enhanced by being unaccompanied by any such conditions as were laid on the Established Church, and the money could be diverted to any purpose pleasing to the Roman Catholic hierarchy. Generosity had certainly been extended in this case. It had been said that people of feeble minds and lunatics were chiefly to be found in Ireland, and the concoctors of this Bill seemed to be of some such opinion. The real meaning of the present movement was not understood by the majority of Englishmen; they weakly imagined that there was some truth in the cry raised by the Ultramontanes of religious equality. They did not see that disendowment as placed before them meant the endowment direct and indirect of the Church of Rome in Ireland; but if they yielded from feelings of liberality, they would find even before a generation passed away that they had been greatly mistaken and grossly deceived. If the present Bill should pass, and the Ecclesiastical Titles Act were repealed, the notions of religious equality entertained by the Roman Catholic hierarchy would soon be made manifest. England was employed by Adrian IV. to effect that which he feared the right hon. Gentleman intended repeating—to rivet the chains of Rome upon the people of Ireland. Lord Grey, in his letter last year, to the then hon. Member for Birmingham, said—

> "Any attempt to bring the Roman Catholic Church in the slightest degree under the influence of the Crown would be rejected alike by Roman Catholics and by Protestants."

In a certain sense—namely, what was called levelling up—it assuredly would, and it assuredly had been rejected by Protestants; but could not the noble Lord see the kernel of the nut lay in the words—"to bring the Church of Rome in the slightest degree under the influence of the Crown." It was the continued position of antagonism and rivalry to the rights and Prerogatives of the Crown on the part of the Roman Catholic Church which lay at the root of all our troubles, and that would continue so long as the Crown rested on a Protestant head. The Church of Rome, that was to be so richly endowed, had never made any concession to the Crown or to Parliament, so far as doctrine or revenue was concerned. They had only to look to the pastorals of the Bishops, and they would see the cultivation of a system of passive resistance to the laws and institutions of Great Britain, that had now become chronic. He would refer to another point, which he could assure the right hon. Gentleman opposite was considered in Ireland of great moment, but must before doing so have it understood that he was not advocating the repeal of the Union. He must, however, allude to the bearings of this Bill upon the Act of Union. The Imperial Parliament having obtained the absolute direction of Irish affairs upon certain defined principles, and by virtue of certain treaties concluded between two separate and independent legislative assemblies, was now proposing to ignore those principles and annul those treaties. He denied the right of one party to withdraw from the conditions of a treaty without the sanction of the other party to them; and, as the consequence of the treaty between Great Britain and Ireland was the dissolution of the Free Parliament of the latter, he asserted that ere such a proposition as that introduced by the right hon. Gentleman, the First Minister of the Crown, was made, the two countries should be re-instated in the position which they occupied at the close of the last century. The proposal of the right hon. Gentleman by repealing the 5th and fundamental Article of the Act of Union, thus virtually broke up that Act, and left the weaker country at the mercy of the stronger. Irishmen would be placed in a position of inferiority, for they would no longer have any guarantee that they should not be overtaxed, or that they should henceforth have their fair share of representation. An argument was sometimes put forward that the colonies afforded a model for the government and the institutions of Ireland, but this did not hold good for a moment. Ireland was an integral part of the United Kingdom. The Parliament of Great Britain became on certain conditions her Parliament, and hitherto the sister countries had moved onwards hand in hand. The loyal among their peoples had made joint efforts to consolidate the two countries into one Empire; and although, at various times, false and dangerous policies had been attempted by English Governments in Ireland it had remained for our time to behold the exigencies of party—not the exigencies of country — drive political leaders into courting even the avowed enemies of our Protestant monarchy and institutions. He would recommend to the right hon. Gentleman the warning of Mr. Coleridge, who thus wrote—

> "In our association with Ireland we have in many most vital particulars violated the principles of the British Constitution, solely for the purpose of conciliating the Irish agitators, and of endeavouring—a vain endeavour—to find room for them under the same Government."

Yes, the principles of the British Constitution were to be violated, and Irish Protestants were cruelly taunted because they stood by them; but English Protestants should be the last to taunt Irish Protestants, whose forefathers had been beguiled into settling in that land, trusting in what once was British honour. A common form of faith bound the Irish Protestants to England, while they were also fast linked to Ireland. He accepted that description of them given by the right hon. Gentleman in better days, and he deeply regretted to see that now, in his ascent of a perilous height, he little cared for the destruction which his heedless foot, in dislodging the avalanche, hurled on a large and peaceful community. He (the right hon. Gentleman) marched onward and waved aloft his banner, but he could hardly expect the few survivors of his desolating act to listen with grateful or willing ears to a cry of "Excelsior" which was applied only to himself. The Protestants of Ireland had called upon their representatives —and no doubt the un-Ultramontane Roman Catholics would do the same if they dared—to fight this battle inch by inch, and clause by clause, and, by the blessing of God, fight it they would.

Sir HERVEY BRUCE said, he would have hesitated to throw himself into the debate, and would have preferred to hear the opinions of English and Scotch Members on the subject; but when he saw the mode in which Her Majesty's Government and hon. Gentlemen opposite met the Opposition upon this occasion, he thought they would ill do their duty to their constituents or to the great party to which they belonged if they sat silent while the Government sat silent, relying on the brute force behind them? ["Order!"] Perhaps the word was a strong one; he would correct it to great strength. He asked, was it dignified for a Government strong in power, in intellect, and in votes, to meet those who differed from them in this way, on a question which was perhaps one of the most momentous that Parliament and the country had ever been called upon to decide? Was it dignified in them to sit silent now, and to tell the public in the Press to-morrow and in the future speeches that no arguments were advanced against them? That would not do. [*Laughter.*] Hon. Gentlemen might laugh; many of the cries he had heard that evening from the other side reminded him of the jolly days of old in Vauxhall, when some peculiarly brilliant firework was let off, and when everybody indulged in a prolonged cry of "O-O-O-O!" But when such cries, either of approbation or disapprobation, went up from the crowd, there was never a single word of argument or of reasoning. On the Opposition side the subject had been pretty well exhausted. [*Cheers.*] He liked the cheer; he listened to it with pleasure. The arguments in favour of the Bill have been long since exhausted, but the arguments on our side are thoroughly inexhaustible. Where were the arguments in answer to the hon. and learned Member for Richmond (Sir Roundell Palmer)? The only argument used in reply was that of fear—all the Government could say was that they were afraid of an insurrection in Ireland. But was this the way to stop it—to offer an illusory premium to the disaffected, at the expense of those who have always shown unswerving loyalty to the English Crown? Where were the arguments in reply to the unanswerable arguments of the right hon. and learned Member for the University of Dublin (Dr. Ball), and of the right hon. Member for the University of Oxford (Mr. Gathorne Hardy)? It was said that a great injustice had been done for many years to the Roman Catholics of Ireland, but the bulk of the people had not complained—only a few of those most disaffected to the English Crown. Did the

Government hope to quell the Fenian rebellion by letting out the rebels on the country? Had that policy succeeded? He asked the House to consider well and deeply before they passed this measure. He himself would be most willing to do anything for the peace of Ireland — he would even sacrifice some principles which he believed right. [*Laughter.*] Gentlemen might laugh; but, in these days of sacrificing all principles which had been hitherto held dear by Englishmen—their pledged word and plighted honour—he thought he would not be wrong in willingly sacrificing some small principle for the general welfare. He would yield to Gentlemen opposite a great deal—he would even do what he believed he might almost say to be wrong, if he thought he could thereby tranquillize his country. [*Laughter.*] Hon. Gentlemen might laugh, it was perfectly indifferent to him; but he knew their policy. Was a question of this importance to be met in a manner which he might almost term contemptible by a great party in the State? With the known and boasted strength which hon. Gentlemen opposite possessed they ought to meet their opponents by argument, and not content themselves with relying on the number they knew would go with them to a division. The Conservative party knew their policy, and, unless the right hon. Gentleman the First Lord of the Treasury met them in a different spirit from that which he had hitherto shown, it would be their duty to oppose him in every way that the rules of the House allowed. How did the right hon. Gentleman close the debate on the occasion when he made that magnificent speech in which he explained the provisions of this Bill? At the close of that debate the right hon. Gentleman did not throw one single crumb of comfort to hon. Gentlemen opposed to him; but he said the debate had taught him he had not gone far enough, and he would endeavour to rob the Church of even more than was contemplated by the Bill as originally framed. He (Sir Hervey Bruce), had been willing at one time—contrary to the opinions of many with whom he was accustomed to act—to endeavour to make the best of the Bill and to improve it, had they been met in anything like a conciliatory spirit by the sacrilegious Ministry who were its authors. ["Oh, oh!"] Yes, there was Vauxhall going up again. How the right hon. Gentleman at the head of the Government could reconcile to himself the course which he had taken he was at a loss to understand. If it had been the President of the Board of Trade he should have respected his argument, because he had, all through his life, entertained views that the Protestant Church had no right to be established in Ireland; but when he looked to the right hon. gentleman (the First Minister) and considered all the circumstances which surrounded him—that he, till a year ago, had been one of the most prominent, if not the foremost, champion of the Irish Church — he could not help imputing to him this — that the time and opportunity which he had chosen to bring forward this measure would not raise his reputation in the opinion of the country. ["Oh!" *and* "Divide!"] Hon. Gentlemen opposite must not forget that he (Sir Hervey Bruce), was an Irishman, and that when he believed his duty called upon him to speak he was not so easily frightened as to sit down because hon. Gentlemen, even if they numbered all the Members upon the Benches opposite cried "Oh, oh!" and "Divide." He had not troubled the House often or unduly upon this subject, and he would not have spoken to night if hon. Gentlemen opposite had met their opponents in a fair and reasonable spirit instead of by dumb show and "Oh, oh!" speeches. This was a question which should not be hurried over in a single night, and he agreed with the hon. Member for North Warwickshire (Mr. Newdegate) that to destroy the Irish Church was a work of profligacy. ["Oh, oh!"] He used the word advisedly. He did not quite understand the force of the arguments of one hon. Gentleman opposite. If that hon. Gentleman meant to give it as his opinion that the Roman Catholic hierarchy and priesthood of Ireland ought to have been endowed in times past, he did not differ from him, and he thought that might have been a great blessing to the two countries. But now he had always understood that the Roman Catholic hierarchy would not receive any endowment or anything else from the English Government for that purpose. ["Divide!"] If hon. Gentlemen opposite really wished to divide, the division, when it came, would have the effect of putting an end to the prevalent noises; if they did not wish either to argue or to divide he could remain silent while they talked the language which they best understood. ["Oh, oh!"] If this interruption continued he would move the adjournment of the debate. He did not understand what Gentlemen on both sides of the House meant by "levelling up." It had been a cant phrase for the last year. If "levelling up" meant that there should be two Established Churches in the country he was opposed to it; if it meant that the Roman Catholic priesthood should have had in times past a State provision to assist them in the religious teaching of their flocks, in that sense he should not be altogether opposed to levelling up, and he would not say that he should be altogether opposed to it now. Being a Protestant, and representing an essentially Protestant constituency, he wished that Mr. Pitt had, at the time of the Union, established the principle of endowing the Roman Catholic priesthood for those who were brought up in their faith. As to Maynooth, he looked upon that as standing on a different foundation, because he never should have been for educating any body of men in what he believed to be error. He begged to thank the House generally for the attention with which they had listened to him, and he was not in the least angry with those who had interrupted him. He should take every opportunity of opposing a measure fraught with such great injustice, unless the right hon. Gentleman opposite, in the future conduct of the Bill, expressed himself in very different terms from those in which he closed the debate on the second reading.

MR. RAIKES said, he would not weary the House by reiterating arguments that had been already laid before them, but would state very shortly a view which had not yet been taken of the question. It would be absurd at that late period of the controversy to enter upon a lengthened discussion as to the precise meaning of the two words "disestablishment" and "disendowment," but he wished to point out one or two facts with regard to the first of them that might have escaped observation. He presumed he was not misinterpreting the words of hon. Members opposite when he said that the meaning they attached to the word "disestablishment" was simply that of severance of the connection between Church and State. But were those hon. Members quite certain that the effect of this Bill would be to sever the existing connection between the Church of Ireland and the State? In the first place, the connection between Church and State consisted solely in the supremacy of the Crown. But this Bill did not propose to repeal the Act of Supremacy, which was to be allowed to remain upon the statute book in full force. The House had heard a great deal about a sentimental grievance, and that it was an intolerable evil for the Irish people that they should have to submit to the spiritual supremacy of a Protestant Crown in matters ecclesiastical; and yet the Bill that was to remedy that grievance did not, in any way, touch the Royal Supremacy. It was, doubtless, quite competent for any of those Roman Catholic Members who had been silent in the course of this debate, so far as speech was concerned, but who had been vocal as far as other utterances went, to propose a clause in Committee to repeal the Act of Supremacy, but he was not aware, from the tone of the right hon. Gentleman, that any such clause would receive the support of her Majesty's Government. What the Bill as it now stood proposed to do was not to disestablish the Church of Ireland, but to reduce the Establishment. But even were they to repeal the Act of Supremacy, still another obstacle would remain to be overcome before the connection between the Church in Ireland and the State could be severed—namely, the Thirty-seventh Article of the Church of England, which prescribed that the Sovereign shall be supreme Governor of the Church; and he was not aware that it was possible for the House to repeal an Article of Faith of any religious body in the kingdom. He was satisfied that the right hon. Gentleman was not the man to attempt such a measure as the one he had indicated. It was true that the right hon. Gentleman had been educating himself, or rather he was being educated; but, although his education had progressed so far as to permit him to bring in a measure for the confiscation of the whole property of the Irish Church, he had not yet reached the point that would allow him to attempt to deal by Act of Parliament with the belief of any religious body in the country. As long, therefore, as the Articles of the Church remained unrepealed, the connection between the Church of Ireland and the State would continue to subsist. They were going to reduce the Irish Church, to take away its honours, its rank, its position, and its property, but they could not disestablish it. He knew there were many gentlemen, both Roman Catholics and others, who were opposed to State endowments; but was it right for the purpose of carrying out an abstract principle, to commit such an act of great and grievous injury to the Church of Ireland? It was said by whose who supported the Bill that justice to Ireland demanded that the Irish Church should cease to exist as at present established; but, from the conduct of the Irish people, it might be gathered that they were not very much interested in the question. The silence observed by the Irish Members, coupled with the singular unanimity with which they had voted in favour of the measure, was to him a convincing proof that to find the real agitation on this question the House must look beyond the Irish people. It was a matter of fact that day after day Petitions signed by Irish Roman Catholics were presented to that House against the Bill. It appeared to him not improbable that the Irish people might be induced to believe what they had been recently told, that the Irish Church was another of their grievances, but those who really regarded it as a grievance were the Roman Catholic priests of Ireland. He did not say that it was unnatural that the Irish Roman Catholic priesthood should be anxious to get rid of their successful rival; but he contended that their demand for its disestablishment and disendowment, even if natural, was not on that account legitimate. Then, again, a great deal had been said about religious equality. Now, religious equality was a very good thing—in fact, too good a thing for Ireland to monopolize. But in what did it consist? Hon. Members on the opposite side of the House must have been asleep for the last forty years, inasmuch as they appeared to ignore the course that legislation had taken during that period. The great measures which it was the boast of the Liberal party to have passed—the Catholic Emancipation Act, the Test and Corporation Act, and the Jewish Disabilities Act—what were they but the establishment of religious equality. It was not religious equality they were about to bestow upon Ireland, for Ireland possessed that boon already; but they were about to confer upon her ecclesiastical equality, which was as different from religious equality as political was from civil equality. The one was an equality of rights, the other an equality of privileges. Every man was equal before the law, but our Constitution was built upon privilege. What was the House of Lords but a privileged order? What was the Royal Family but a privileged family? Why did the Speaker go to the Bar of the House of Lords at the commencement of every Parliament but to ask for certain privileges? What was household suffrage but the granting of a privilege of a certain character? They were asked to do that in matters ecclesiastical which they could not do in matters political. In seeking to do this let them beware that they did not bring down a house upon their heads. They were told that the proposed change would be a splendid thing for the Church, which was to be deprived of all its property. When he heard that argument he was reminded of a cartoon that had appeared in one of the popular periodicals about a month since, in which the right hon. Gentleman was represented as Prospero and the Irish Church as Ariel, and he was bidding her to be "free" and "farewell." Whether from regard to the feelings of the Lord Chamberlain or from a sense of public decorum, the figure was represented as draped; but he thought that in order to carry out the allegory it should have been stripped of every article of raiment. Two hypotheses were brought forward to justify this measure. First, there was the so-called historical hypothesis. It was said that the property of the Established Church formerly belonged to the Roman Catholics. That was "the badge of conquest" argument, and if it was a legitimate one, what did it lead to? That they should restore the property to the Roman Catholics. Why did they not do that? He came now to what might be described as the philosophical hypothesis, which was that the Church was the trustee of the nation, and that as the trust had been misapplied it ought to be confiscated. But when in any other case a trustee did not fulfil the trust, what did they do? Did they confiscate the property? No. They got rid of the trustee. This brought them to the policy which, when proposed, or supposed to have been proposed, by Gentlemen on the Opposition side of the House, was called "the levelling-up policy," and which when proposed by Gentlemen on the Ministerial side was called one of "concurrent endowment." If the Church of Ireland was the Church of only a small portion of the Irish people, and ought to be ousted from her trusteeship, why did not the Government propose the levelling-up policy? Because they dare not do so. An illustration applicable to the case of the Irish Church might be taken from a judgment pronounced some thousands of years ago by a very wise man. The dispute in that ancient case was between two ladies, which made it all the more interesting. The Judge proposed that the article in dispute should be dismembered and divided between them, or rather that it should cease to exist. One of the ladies assented; but her anxiety to accept those terms was accepted by Solomon as evidence which deprived her of all claim to any portion of the article. What he had said in the course of his remarks must not be regarded as his own views, or those of any other individual on that side of the House. He had endeavoured to put forward the propositions which had been advanced by Gentlemen on the other side of the House; but he had not expressed any opinion as to the truth of the hypotheses with which he had dealt. No one had contradicted him when he said that those hypotheses had been advanced. He had dealt with them because he thought they ought to secure some attention, and they had received more attention from the House than he had ventured to anticipate for them.

Lord HENRY SCOTT said, he was aware that when a party was determined to carry a question by the force of a great majority they might think it safe to go to a division without discussion, but he thought that there ought to have been some explanation from the Government as to the details of so important a measure when they asked the House to go into Committee on its clauses. No doubt it would be said by hon. Gentlemen on the Ministerial side that in Committee they would be perfectly prepared to discuss the Bill clause by clause; but he did not think it right that a measure which the Opposition believed would be so disastrous to the country should be hurried into Committee without discussion. What was the object of this Bill? To disestablish and disendow the Irish Church. Did the supporters of the Bill bear in mind that they were going to separate religion from the State, and to tell the people that religion was a matter with which the State would have nothing to do? The Bill was recommended on the grounds of religious equality; but the hon. Gentleman who had spoken last had pointed out the difference between religious equality and ecclesiastical equality. It was right that there should be religious equality; but if we destroyed the connection between Church and State we should become a godless nation. What would be the position of the right hon. Gentleman the head of Her Majesty's Government, when, having passed this Bill, he should be hounded on to disestablish the Church in Wales, and the Church in Scotland? Would he be as powerless then to resist such demands as he was now? Certainly he would, for the disestablishment of the Church in Ireland would be employed as an argument against him. Why, in Scotland especially, with which he was well acquainted, some such argument was already being employed. Every one who knew anything about Scotland knew perfectly well that the Established Church there was in a great minority. The Dissenters were in the ascendant, and those Dissenters said—"We look upon this Irish Church measure as merely a means towards the disestablishment of the Church of Scotland. We have supported Her Majesty's Government in this matter because we do not like Church Establishments of any kind. We, Dissenters in Scotland, are in the position of something like three to one to the Establishment, and we have supported the Government because we know that they must in time do the same thing in Scotland as they are about to do in Ireland." That was undoubtedly the view which Scotch Liberal Members took of the subject, who were ready to swallow the Maynooth bait, in the hope that they would be able ultimately to pull down the Scotch Establishment. It was not a matter upon which any doubt need exist, for the Scotch Members did not make any concealment of their opinions. Moreover, so high a personage as the President of the Board of Trade did not hesitate to write a letter to the people of Wales in which he urged upon them to support Her Majesty's Government on this occasion, because it would be a stepping stone towards the disestablishment of the Church in that country. He held that the House would do well to consider what it was about in this matter, and to weigh well the course which it was on the eve of adopting. True, it was not possible for the opponents of the Bill to defeat it by a numerical majority; but it was nevertheless their duty, both as a party and as men holding conscientious views upon the subject, to strive to have the country well informed upon the whole matter. He was persuaded that had not this question of the Irish Church been mixed up with a political party triumph, many people who supported the cry for disestablishment would not have done so. Had the country been properly informed upon what was to be done he felt sure it would have expressed a different opinion. He was sure that the country would in that case have repudiated a measure which must tend ultimately to its ruin. He should like to ask what was going to be done by this Bill? It might be said that the measure was an act of justice to Ireland. But it must be well known that the passing of the Bill would not make a single man in Ireland more loyal. If hon. Gentlemen opposite asserted that the disestablishment of the Church was to be made useful in the way of repressing Fenianism they knew nothing of the real facts of the case, for it was perfectly notorious that there was no connection whatever between Fenianism and the Church of Ireland. Moreover, granting that disestablishment would be an act of justice to Ireland, was it necessary to include disendowment in order to promote that object? Most certainly not. That had been made abundantly manifest by the speech of the hon. and learned Member for Richmond (Sir Roundell Palmer) whose arguments had not yet been answered nor were they capable of being answered. There could be no question that the way in which the Church property was to be dealt with was most unjust in principle. No object, for instance, was to be gained by not allowing the incumbents to purchase the glebe farms and the estates attached to them. If they were going to put the Church of Ireland upon the voluntary principle, and make the clergy support themselves, they should certainly be allowed to retain the lands which had been in their possession for centuries. His own opinion was that the glebes were being taken away from the clergy in order to prevent them holding the same rank and status in society which they at present did. He hoped that this portion of the Bill, at least, would be amended in Committee. Some hon. Gentlemen seemed to think that the various clauses of the Bill should be allowed to pass in dumb show, without the expression of any opinion on the part of those who opposed it, but that was an opinion which the country would not endorse. He trusted the right hon. Gentleman at the head of the Government—who, he believed, notwithstanding the policy which he now advocated, was sincerely attached to the Church of which he was a member,—would pause for a moment in the reckless career into which he was probably hurried by the forces behind him to ascertain whether he could not, at all events, mitigate to a greater degree the severity of the blow which he was about to inflict. He hoped, too, that hon. Gentlemen opposite would look upon the clauses relating to disendowment in a spirit more favourable to the Church, and would not regard any Amendments which might be proposed by those whose views on the subject were similar to his own as being brought forward merely for the purpose of obstructing the progress of the measure, but with the desire to preserve to the Church as much as possible of that property of which they sincerely believed she was about to be unjustly deprived.

Mr. GLADSTONE: I am sorry to have learnt, from what has fallen from many hon. Gentlemen who sit on the opposite side of the House, that they are not satisfied with the preponderance—the undoubted preponderance—which they have enjoyed during the evening in the number, the length, and, as they may probably think, the weight of their speeches. They have made it a charge against those on this side of the House that we have not been equally forward in exhibiting the desire which they have shown to prolong the debate on this question.

It may, perhaps, be enough for us to shelter ourselves from that charge by the observation that many hon. Gentlemen of the highest authority on the Benches opposite—many Members of the late Government—appear to concur with us in the opinion that the time has come when discussion on this subject, as to its general principles, has reached such a stage that the most business-like course of proceeding for us to pursue would be to go into Committee to consider the details of the Bill. But surely nothing can be more easy than for us to supply an answer to those who make it a ground of complaint against us that we have shown no great forwardness to prolong this debate, because in making that complaint they simply charge Gentlemen on this side of the House with declining to make speeches which they regard to be unnecessary, and every one of which would tend to postpone still further their arrival at that stage of the Bill which they think it useful and desirable to reach. In saying this, do not let it be for a moment supposed that, on my own part or on the part of anybody else, I complain of the course which has been pursued by the hon. Gentleman the Member for North Warwickshire (Mr. Newdegate), and by the hon. Gentleman opposite (Colonel Stuart Knox). If the noble Lord the Member for Liverpool (Viscount Sandon), who spoke to-night with his usual marked courtesy towards the House, considers that the eighteen months of discussion to which he referred are insufficient, undoubtedly he has a perfect right to ask for further debate. It is impossible to exaggerate the weight of this question, and though we may think it has been—to use an old form of expression—"bolted to the bran," and that all the arguments which exhibit its general bearings have been exhausted, yet it is fair to ask that we should be tolerant towards others who differ from us, and, accordingly, we do not make the smallest complaint of the desire of hon. Gentlemen to prolong the discussion this evening. But, indeed, I should be disposed to go further, and to state the reasons for the dissatisfaction we may entertain as to the course of the debate. In the first instance, I wish to notice very briefly two points in speeches delivered upon this side of the House—one by the hon. Member for the Kirkcaldy Burghs (Mr. Sinclair Aytoun), and the other by my hon. Friend the Member for Peterborough (Mr. Whalley). The hon. Member for the Kirkcaldy Burghs objects to the unconditional character of the provisions of the Bill with respect to the College of Maynooth, and thinks there is some exceptional favour indicated by our having laid down no special terms for the disposal of the money which will be paid over to the Maynooth trustees, whereas we have dealt particularly with the clergy of the Established Church and of the Presbyterian Church. Now, this distinction grows simply as a matter of form out of the fact that there are already in existence Acts of Parliament which prescribe the duties of the trustees of Maynooth. That there may be no doubt on the subject, I have placed words on the Paper in the nature of an Amendment, declaring the trusts under which this money will be vested in the trustees of Maynooth. I wish also to say that, although I do not think this is a convenient moment for entering into details, I will undertake to show my hon. Friend in Committee that the figures by which he thinks he proves that £200,000 is about to be granted by way of a sheer present to the trustees of Maynooth are figures which cannot be sustained, and that he has very greatly under-estimated the amount of irrefragable claims made on that fund by the parties interested. There was an observation of my hon. Friend which greatly struck me. It was that the Roman Catholic priesthood are more powerful in Ireland over their flocks than they are in any other Roman Catholic country. Well, Sir, as far as my knowledge goes, I believe there is great truth in that remark. It would probably be difficult to point out any European country in which the same amount of influence is wielded by the Roman Catholic clergy. But surely my hon. Friend himself will not fail to perceive the inference which ought to be drawn from this circumstance. If there does exist that great and extraordinary, and it may be—though it is not for me to enter into the question—that excessive power, surely it is owing to the policy which has been pursued by this country—the long-continued penal and restrictive system, the slow and imperfect relaxations to which, step by step, we have been driven. And if the fact on which my hon. Friend relies be irrefragable, it is for us to quote that fact as the marked justification of what we deem the more complete and effectual policy which we are now pursuing. My hon. Friend the Member for Peterborough (Mr. Whalley) intimated an opinion of which I am bound to take notice. He stated it was evident—and the allegation coming from him cannot be passed by—that the details of this Bill had been settled by myself and the Government in concert with the heads of the Roman Catholic Church. He referred, I presume, partly to the College of Maynooth, but he likewise referred, and in a pointed way, to the manner in which we proposed to deal with the disposal of the surplus. Now, I venture to tell my hon. Friend, both with regard to the College of Maynooth and to the disposal of the surplus, that the first intimation which the heads of the Roman Catholic Church received of the intentions of the Government was when those intentions were explained by me in this place. But now, Sir, with respect to tho debate which we have heard, and of which I, for one, do not think we have any reason to complain, I cannot but observe that this debate has tended to illustrate what appears to me a most weighty and important proposition—namely, that the majority by which this Bill was read a second time does not really represent the full preponderance of weight and strength which is arrayed in its behalf, and for this simple reason, that I believe those who sit on this side of the House are perfectly aware of one another's meaning and intention with regard to all the main provisions of the Bill, and that they are entirely united in one and the same desire. That, however, cannot be said to be the case on the other side of the House. Is there the same union of sentiment? The hon. Member for South-west Lancashire (Mr. Cross) appears to assert the affirmative. Well, I do not deny that there is union of sentiment up to this point—a union of sentiment which leads Gentlemen, and which, no doubt, justifies them in crying "No!" when we cry "Aye!" on the subject of the Bill. But with that monosyllable the union terminates. I do not ask the hon. Member to accept that proposition on the strength of my assertion. I am not disposed to deal too much in general and unsustained assertions. I am challenged to-night by the hon. Member for Bury St. Edmunds (Mr. Greene) to lay my hand on my heart and declare that I have taken a share in the introduction of the measure on its own merits, and not from party considerations. Well, Sir, I should have every disposition to accept the challenge of the hon. Member, and to perform the operation he referred to, except for the sad conviction which I entertain that, even if I went through it in the most unexceptionable manner, I should fail in producing the slightest effect upon his stubborn incredulity. I ask neither my hon. Friend nor any one else to accept my assertion; but I will go to particulars. What said an hon. Gentleman, who is one of the stoutest and sternest opponents of the Bill—the Member for Bury St. Edmunds? He said that if this were a proposal to divide the property of the Church between the present Establishment and the Church of Rome, he should think there would be a great deal to be said for it. But what said the seconder of the Motion (Colonel Stuart Knox)? The seconder of the Motion had the merit of originality. He struck out for himself a way in which no other Member of Parliament, as far as my attention to this debate has informed me, has thought proper to walk. The hon. and gallant Gentleman hoisted his banner for himself, and on his banner, as a remedy and as a mode of settlement for this great question, was inscribed, "The Report of the Church Commission." Such was his proposal. But the hon. Gentleman the Member for Coleraine (Sir Hervey Bruce) said he was prepared to accept the doctrine of concurrent endowment up to a certain point, and he echoed the opinions which have been propounded with great weight and authority from the Bench immediately opposite me. But at an interesting period of the debate there arose in his place a speaker who referred to the remarkable declaration of the right hon. and learned Member for the University of Dublin (Dr. Ball), in which he distinctly pointed to concurrent endowment as the only true solution of this question. Another hon. Gentleman, however, the senior Member for the University of Dublin (Mr. Lefroy) rose in his place, and declared that he did so because he was compelled by his conscience and by the convictions of the great majority of his constituents, to disavow the sentiments of his right hon. and learned Colleague, and to assert that, in his opinion, the endowment of the Roman Catholic priesthood was a measure to which they entertained insurmountable objections. Am I not, then, justified in saying, without asking for the slightest credit to be given to any mere words of mine, that even the declarations of to-night are full of discrepancies as to the positive policy intended to be pursued by hon. Gentlemen opposite? And how are these opinions which I have quoted relished by the hon. Member who brings forward the present Motion (Mr. Newdegate)? I wish I could read the mind and heart of the hon. Member, and ascertain what he thinks of the plan of the Church Commission—of the plan of endowing the Roman Catholic clergy from the public funds, and last—though not least—of the plan of one of the stoutest champions on his side for dividing the property of the Establishment with the Roman Catholic priesthood. Sir, the noble Lord the Member for Liverpool (Viscount Sandon) made an elaborate argument in two parts, in which he said that, in the first place, he thought he had proved that the measure now proposed by the Government would be a heavy blow and a great discouragement to Protestants; and he next contended that it would also tend to encourage the Ultramontane party in the Church of Rome. And he thought it was the duty of the State to give encouragement to Protestantism. Well, Sir, that is a subject of difficulty, inasmuch as there may be differences of opinion in regard to the degree in which a Legislature professing to recognize the principles of religious tolerance and religious liberty can interfere to bias, one way or another, the religion of its people. But it is not necessary to enter into that question, for I join issue altogether with the noble Lord, and decline to admit that, in his language, this measure is a heavy blow and great discouragement, or in any sense—any true sense—a blow or a discouragement to Protestantism. The noble Lord thinks that he proves it by showing that the measure has the support of Roman Catholics. Well, Sir, is it by a Roman Catholic majority that this measure has been carried? The Roman Catholic, I am thankful to say, in the enjoyment of equal rights, gives his vote on the same footing of full freedom as every other Member of this House. But if every Roman Catholic Member chose of his own free will to walk out of the House, what influence would it have on the division? The voice of England, the voice of Scotland, the voice of Ireland have all separately and distinctly, as well as jointly, been given, and given conclusively, in support of this measure. The hon. Gentleman the Member for Lisburn (Mr. E. W. Verner) said he wished to consider the measure in its bearing on the Act of Union. But then he found a difficulty, that, inasmuch as this Parliament was not in the position of the Parliaments by which the basis of the Act of Union was laid, he required, as a preliminary to our considering the bearing of the measure on the Act of Union, that we should re-establish the two Parliaments which existed before the Act of Union. Sir, that is a most ingenious method on the part of the hon. Gentleman. I am quite sure it was not by one of those incautions of language into which he or anybody else might be betrayed that he imposed an impossible condition to a demand which he thought himself justified in making. But our answer is this—We are perfectly satisfied, so far as Ireland is concerned, with the conclusive answer which she gave at the election to the appeal which was then made to her, and with the large majority of her representatives which she sent here to support the policy of Her Majesty's Government with respect to the Church Establishment. When it is said that we show an unwillingness to tread again a beaten path of argument on this subject, we may say that it is a beaten path, and that there is a time for all things and a limit to that time. But I must also say that there are some descriptions of argument much in vogue on the opposite side of the House with which it is difficult to deal. I own it was difficult to deal with the arguments used in the speech of the Mover of this Motion. What said the hon. Member? He said—"If you pass this Bill, nothing can prevent the establishment of the Roman Catholic Church in Ireland." And why? He went on to give his reasons. Because, he said, his Holiness the Pope at Rome demanded and required it. Now, Sir, what astonishes me is this—that the hon. Gentleman, with his sound Protestantism, should recognize the demand of the Pope of Rome as an adequate and sufficient reason; or that he should have the credulity to suppose that the majority of his countrymen were ready to recognize such a demand. Whether that demand will be made I do not presume to say. The hon. Member, I dare say, is much better informed of the intentions of the Pope than I am. He has evidently acquired a familiarity with the probable movements of that great personage, for he meets him at every turn. When we point out to him the Presbyterians of Scotland ardently desiring this measure, his answer is that he can see under the gown of John Knox nothing but the spectre of the Pope of Rome. If we refer to the Nonconformists of England —that powerful body who certainly, as far as I can understand, will not consent to take a second place as compared with any other portion of the community or of the Christian world in claiming the honours of Protestantism—still the hon. Member cannot dislodge from his mind this extraordinary phantom, or free himself from the delusion that the whole agency, and the entire convictions of the Nonconformists, are to be referred to the secret and subtle influence of the Pope. Now, is it not pardonable in us if we decline to enter into detailed argumentation upon such wild chimeras as these. And am I not justified in offering one general reply to the hon. Gentleman in a few pithy words which occurred towards the close of his speech, where he said—"No man can argue with fears." The fears of the hon. Gentleman are so wakeful and so subtle that I think they would fairly elude any grasp that one might endeavour to lay on them. Be it recollected, then, in what position we stand with regard to this measure—the point that we have now reached when we are about to go into Committee on the Bill—that we have in this House the variety and diversity of declarations and intentions to which I have referred; and that we have in Ireland at least this advantage, although it is one that I cannot accept in a polemical sense without recording my personal regret that, by an authoritative manifestation of what may be called substantially a representative assembly —at least an assembly representative of the majority in the Irish Established Church, we have had within the last two days enunciated in the presence of the chief Prelates of the Church, and under the solemnities of an inauguration by the observance of Divine worship, declarations the most uncompromising, putting aside with contempt all those intermediate courses to which some Gentlemen here would allude, denouncing the Report of the Commissioners, denouncing the plan of concurrent endowment, and claiming of the Parliament that, under pain of being regarded as sacrilegious plunderers, we are to recognize and maintain that state of ecclesiastical arrangements which at present subsists in Ireland. Well, Sir, having the issue thus plainly before us, we understand our duty, and I think I may say we shall perform it. But one other challenge I have to notice—namely, that of the hon. and learned Gentleman the Member for Salford (Mr. Charley), who told us that the Throne of this country rested upon Protestant ascendancy. Sir, the Throne of this country is connected with the profession of Protestantism. Far be it from me to deny that, nor do I know that that fact has ever been made the subject of complaint by our Roman Catholic fellow-countrymen. I think they feel that the respect which is due to the majority of British subjects, and to their convictions, would stop their mouths against complaining of such a constitutional arrangement. But, Sir, that is one thing to say. It is quite another thing to hold that the Throne of this country rests upon Protestant ascendancy. The Protestant profession of the Sovereign or of the Heir Apparent does not imply that which we understand, and that which Ireland has experienced, under the name of Protestant ascendancy. I dispute and deny the doctrine of the hon. and learned Gentleman in any form in which he can place it. I deny that it is true at this moment—I deny that it has been true at any period of our history. It certainly was not true at the time when the negotiations of Charles I. substantially proceeded to the point of a perfect willingness to recognize that which was then the *status quo*—the actual condition of things in Ireland at the time when, in the year 1644, the Roman Catholics were in possession of the larger portion both of the churches and of the Church property of the country. But perhaps you may say, and say with truth, that at that time the battle of the Churches, so to speak, had not been fought out, and that Charles I. himself was not to be regarded as an orthodox champion of Protestantism or foe of the Church of Rome. Well, supposing it to be so, what are we to say to William III.? At any rate there is no doubt of his Protestantism. The faith of all Englishmen, and particularly of all Irishmen, in the convictions of William III. has not been shaken, and he will be regarded as no hostile witness in a matter that concerns the relations of the two Churches or the two religions of Ireland. Yet we find it upon record that William III. did not believe it to be necessary to maintain even in that day this system of Protestant ascendancy towards the Roman Catholics. Unfortunately the conflict and struggle in Ireland gave a new course, it is true, to events, and that sagacious King conceived there, as he had previously conceived in Scotland, that he was compelled to choose his part, and when he thought that the time had come he chose it. But what had he done in the meantime? It is upon record, in the letters of Dean Swift, written by Sir Charles Wogan, a person immediately connected with those who gave the direct evidence in the case, that William III. made an offer to the Roman Catholics shortly after his arrival in this country which is described in the passage that I am about to read—

> "The Prince was touched with the fate of a gallant nation that had made itself a victim of French promises, and ran headlong to its ruin for the only purpose in fact of advancing the French conquests in the Netherlands, under the favour of that hopeless diversion in Ireland which gave work enough to 40,000 of the best troops of the grand alliance of Augsburg. He longed to find himself at the head of so strong a reinforcement. In this anxiety he offered the Irish Catholics the free exercise of their religion, half the churches of the kingdom, half the employments civil and military too, if they pleased, and even the moiety of their ancient properties."

That offer was made at a time when the Roman Catholics of Ireland were sanguine in the anticipation that they would, by their courage and devotion, succeed in re-establishing a monarch of their own religion. It was—perhaps we ought to say unhappily, but at any rate it was upon those grounds declined; and the consequence has been that the history of Ireland from that day to this has run in an unhappy channel. Do not let it be supposed by the hon. and learned Gentleman, or anyone else, that we, who stand here, stand here as the promoters of an unheard-of innovation, and that we are not prepared to travel back into the scenes of former days, and show that long generations ago there was the authority of the greatest and the wisest men for measures which in principle are associated with those which we now propose. Sir, it is unnecessary for me to detain the House. I thought that in the debate which has occurred to-night, as a mark of due respect from the Government, some at least of the main points which have been referred to should be noticed; and I own I was not sorry to have an opportunity of pointing to that division of counsels declared to-night within the hearing of us all, which ought to operate as a lesson of prudence to hon. Gentlemen who sit opposite, and which must undoubtedly operate as a lesson of encouragement to those who sit on this side of the House.

Mr. DISRAELI: I do not intend to detain the House at any length, but I wish to explain the course which I shall take upon a division, if a division is asked for. I think I have given ample evidence to the House of my sincerity in consenting to go into Committee, as I have already prepared some work for consideration which will probably take up some of our time and attention, and I came down to the House to-night ready to enter into the discussions which were likely to arise in connection with these matters. At the same time, I must say that I do not think the right hon. Gentleman or his Friends can be astonished that discussion upon the principle of the Bill should have been desired by Gentlemen on this side. When the right hon. Gentleman introduced his measure to us, he described it, and properly described it, as one of the greatest issues that had ever been submitted to Parliament; and the right hon. Gentleman, with his experience of the House of Commons, must feel that probably no measure of so vast a character had been discussed in so short a period. I believe the whole discussion lasted only four days, and that, certainly, for the most important issue that had ever been submitted to Parliament was not extravagant. In point of fact, it was recognized by myself, and by those with whom I act, that it was just to the Government to give them an opportunity before Easter of taking the decision of the House upon the second reading, and therefore every attempt was made compatible with a fairly adequate discussion to arrive at that result. But I felt at the time, and all must have felt, that a great many hon. Gentlemen—and hon. Gentlemen who had a right to express their opinions—were debarred of the opportunity which they were entitled to count upon. And considering that the debate of to-night has been kept up only by one side, and that to keep up a debate in that manner is one of the most difficult things in the world, I must say—it would be invidious to point to any speeches in particular—that, generally speaking, they have been some of the best I ever heard. The right hon. Gentleman (Mr. Gladstone) himself has referred to the speech of my noble Friend the Member for Liverpool (Viscount Sandon), which I think reflected great credit on the House, and there were other speeches to which I listened with interest and attention. I make these observations because some who are not so experienced in the ways of the House may conclude, from the tone—I thought the not very Parliamentary tone—of those who have condemned the course that has been taken by my hon. Friends that something had been done which is unwarrantable and unusual. It is not unusual, and, in the present state of the case, it was not unwarrantable; on the contrary, I think it was perfectly justified. I do not know what is the course that the hon. Member for North Warwickshire (Mr. Newdegate) intends to take—whether he intends to call for a division on his Motion or not. I myself should regret it if he does, because I think it is impolitic to perpetually have divisions upon the principles of great measures and so realizing results not so favourable as those previously. But, of course, the hon. Gentleman will take the line which he thinks proper. I can only express for myself a hope that, after that division, there will be no further obstacle to the right hon. Gentleman's Motion for going into Committee. It will receive no opposition from me, or from those with whom I act. I do not, however, consider this evening as wasted. I think it was desirable that on the principle of the measure there should have been more discussion than took place under the peculiar circumstances of the case, before Easter, and that an opportunity of expressing their views should have been given to those hon. Gentlemen who wished to address the House on the subject. At the same time I must express a hope—and it is most desirable for the sake of Public Business, and, indeed, for the sake of those principles and arrangements which we on this side are anxious to uphold—that no further obstacle should be offered to the right hon. Gentleman in going into Committee, because one of the advantages which I anticipate from going into Committee is not only that we may possibly achieve some important results, which is obvious, but I think we shall find a solution of those difficulties which haunt and amuse the imagination of the right hon. Gentleman as to the difference of opinions and counsels prevailing on this side of the House. I do look forward to the Committee as giving an opportunity of showing that our opinions on all important points are compact and well-considered, and I trust may even recommend themselves to the House so generally that we may have in their support some assistance from hon. Gentlemen opposite.

Question put.

The House *divided*:—Ayes 355; Noes 229: Majority 126.

AYES.

Acland, T. D.
Agar-Ellis, hn. L. G. F.
Akroyd, E.
Allen, W. S.
Amcotts, Col. W. C.
Amory, J. H.
Anderson, G.
Anstruther, Sir R.
Antrobus, E.
Armitstead, G.
Ayrton, A. S.
Aytoun, R. S.
Backhouse, E.
Baines, E.
Baker, R. B. W.
Barclay, A. C.
Barry, A. H. S.
Bass, M. A.
Baxter, W. E.
Bazley, T.
Beaumont, Capt. F.
Beaumont, S. A.
Beaumont, W. B.
Bentall, E. H.
Biddulph, M.
Bingham, Lord
Blake, J. A.
Blennerhassett, Sir R.
Bolckow, H. W. F.
Bonham-Carter, J.
Bowring, E. A.
Brady, J.
Brand, right hon. H.
Brand, H. R.
Brassey, H. A.
Brewer, Dr.
Bright, J. (Manchester)
Bright, rt. hon. J.
Brinckman, Capt.
Brocklehurst, W. C.
Brown, A. H.
Bruce, Lord C.
Bruce, Lord E.
Bruce, rt. hon. H. A.
Buller, Sir E. M.
Burke, Viscount
Bury, Viscount
Butler-Johnstone, H. A.
Buxton, C.
Cadogan, hon. F. W.
Campbell, H.
Candlish, J.
Cardwell, rt. hon. E.
Carington, hon. Cap. W

Carnegie, hon. C.
Cartwright, W. C.
Castlerosse, Viscount
Cave, T.
Cavendish, Lord F. C.
Cavendish, Lord G.
Chadwick, D.
Chambers, T.
Childers, rt. hn. H. C. E.
Cholmeley, Capt.
Cholmeley, Sir M.
Clay, J.
Clement, W. J.
Clive, Col. E.
Cogan, rt. hn. W. H. F.
Colebrooke, Sir T. E.
Coleridge, Sir J. D.
Collier, Sir R. P.
Colthurst, Sir G. C.
Corbally, M. E.
Cowen, J.
Cowper, hon. H. F.
Cowper, rt. hon. W. F.
Craufurd, E. H. J.
Crawford, R. W.
Crossley, Sir F.
Dalglish, R.
Dalrymple, D.
D'Arcey, M. P.
Davie, Sir H. R. F.
Davies, R.
Davison, J. R.
De La Poer, E.
Denison, E.
Denman, hon. G.
Dent, J. D.
Devereux, R. J.
Dickinson, S. S.
Digby, K. T.
Dilke, C. W.
Dillwyn, L. L.
Dixon, G.
Dodds, J.
Dodson, J. G.
Downing, M'C.
Dowse, R.
Duff, M. E. G.
Duff, R. W.
Dundas, F.
Edwardes, hon. Col. W.
Edwards, H.
Egerton, Capt. hon. F.
Ellice, E.
Enfield, Viscount
Ennis, J. J.
Erskine, Vice-Ad. J. E.
Esmonde, Sir J.
Ewing, A. O.
Ewing, H. E. C.
Eykyn, R.
Fagan, Captain
Fawcett, H.
Finnie, W.
FitzGerald, right hon. Lord O. A.
Fitzmaurice, Lord E.
FitzPatrick, rt. hn. J. W.
Fitzwilliam, hn. C. W. W.
Fitzwilliam, hon. H. W.
Fletcher, I.
Foljambe, F. J. S.
Fordyce, W. D.
Forster, C.
Forster, rt. hon. W. E.
Fortescue, rt. hon. C. P.
Fortescue, hon. D. F.
Fothergill, R.
Fowler, W.
French, rt. hon. Col.
Gavin, Major
Gilpin, C.
Gladstone, rt. hn. W. E.
Gladstone, W. H.
Goldsmid, Sir F. H.
Gower, hon. E. F. L.
Gower, Lord R.
Goschen, rt. hon. G. J.
Gourley, E. T.
Graham, W.
Grant, Colonel hon. J.
Gray, Sir J.
Gregory, W. H.
Greville, Captain
Greville-Nugent, Col.
Grey, rt. hon. Sir G.
Grieve, J. J.
Grosvenor, Earl
Grosvenor, Lord R.
Grosvenor, Capt. R. W
Grove, T. F.
Hadfield, G.
Hamilton, E. W. T.
Hamilton, J. G. C.
Hanmer, Sir J.
Harcourt, W. G. G. V. V.
Hardcastle, J. A.
Harris, J. D.
Hartington, Marquess of
Haviland-Burke, E.
Hay, Lord J.
Headlam, rt. hon. T. E.
Henderson, J.
Henley, Lord
Herbert, H. A.
Hibbert, J. T.
Hoare, Sir H. A.
Hodgkinson, G.
Holms, J.
Hoskyns, C. Wren-
Howard, hon. C. W. G.
Hughes, T.
Hughes, W. B.
Hutt, rt. hon. Sir W.
Illingworth, A.
James, H.
Jardine, R.
Jessel, G.
Johnston, A.
Johnstone, Sir H.
King, hon. P. J. L.
Kinglake, J. A.
Kingscote, Colonel
Kinnaird, hon. A. F.
Kirk, W.
Knatchbull - Hugessen, E. H.
Layard, rt. hon. A. H.
Lambert, N. G.
Lancaster, J.
Lawrence, J. C.
Lawrence, W.
Lawson, Sir W.
Lea, T.
Leatham, E. A.
Lee, W.
Lefevre, G. J. S.
Lewis, J. D.
Loch, G.
Locke, J.
Lorne, Marquess of
Lowe, rt. hon. R.
Lush, Dr.
Lusk, A.
Lyttelton, hon. C. G.
M'Arthur, W.
M'Clean, J. R.
M'Clure, T.
M'Combie, W.
MacEvoy, E.
Macfie, R. A.
Mackintosh, E. W.
M'Lagan, P.
M'Laren, D.
M'Mahon, P.
Magniac, C.
Maguire, J. F.
Maitland, Sir A. C. R. G.
Marling, S. S.
Martin, C. W.
Martin, P. W.
Matheson, A.
Mathews, H.
Melly, G.
Merry, J.
Miall, E.
Milbank, F. A.
Miller, J.
Milton, Viscount
Mitchell, T. A.
Moncreiff, rt. hon. J.
Monk, C. J.
Monsell, rt. hon. W.
Moore, C.
Moore, G. H.
Morgan, G. O.
Morley, S.
Morrison, W.
Mundella, A. J.
Muntz, P. H.
Murphy, N. D.
Nicholson, W.
Nicol, J. D.
Norwood, C. M.
O'Brien, Sir P.
O'Conor, D. M.
O'Conor Don, The
O'Donoghue, The
Ogilvy, Sir J.
O'Loghlen, rt. hon. Sir C. M.
Onslow, G.
O'Reilly-Dease, M.
O'Reilly, M. W.
Otway, A. J.
Palmer, J. H.
Parker, C. S.
Parry, L. Jones-
Pease, J. W.
Peel, rt. hon. Sir R.
Peel, A. W.
Pelham, Lord
Philips, R. N.
Pim, J.
Platt, J.
Playfair, L.
Plimsoll, S.
Pochin, H. D.
Pollard-Urquhart, W.
Portman, hon. W. H. B.
Potter, E.
Potter, T. B.
Power, J. T.
Price, W. E.
Price, W. P.
Ramsden, Sir J. W.
Rathbone, W.
Rebow, J. G.
Reed, C.
Richard, H.
Richards, E. M.
Robertson, D.
Roden, W. S.
Rothschild, Brn. L. N. de
Rothschild, N. M. de
Russell, A.
Russell, F. W.
Russell, H.
Russell, Sir W.
Rylands, P.
St. Aubyn, J.
St. Lawrence, Viscount
Salomons, Mr. Ald.
Samuda, J. D'A.
Samuelson, B.
Samuelson, H. B.
Sartoris, E. J.
Scott, Sir W.
Seely, C.
Shaw, R.
Shaw, W.
Sheridan, H. B.
Sherlock, D.
Sherriff, A. C.
Simeon, Sir J.
Simon, Mr. Serjeant
Smith, J. B.
Smith, T. E.
Stacpoole, W.
Stanley, hon. W. O.
Stansfeld, rt. hon. J.
Stapleton, J.
Stepney, Colonel
Stevenson, J. C.
Stone, W. H.
Strutt, hon. H.
Sullivan, rt. hon. E.
Sykes, Colonel W. H.
Synan, E. J.
Talbot, C. R. M.
Taylor, P. A.
Tite, W.
Tollemache, hon. F. J.
Tomline, G.
Torrens, R. R.
Torrens, W. T. M'C.
Tracy, hon. C. R. D. H.
Trelawny, Sir J. S.
Trevelyan, G. O.
Vandeleur, Colonel
Verney, Sir H.
Villiers, rt. hon. C. P.
Vivian, A. P.
Vivian, H. H.
Vivian, Capt. hn. J. C. W.
Walter, J.
Wedderburn, Sir D.
Weguelin, T. M.
Wells, W.
West, H. W.
Westhead, J. P. B.
Whalley, G. H.
Whatman, J.

[*Committee.*

Whitbread, S.
White, hon. Capt. C.
White, J.
Whitwell, J.
Whitworth, T.
Williams, W.
Williamson, Sir H.
Willyams, E. W. B.
Wingfield, Sir C.
Winterbotham, H. S. P.
Woods, H.
Young, A. W.
Young, G. [356]

TELLERS.

Glyn, G. G.
Adam, W. P.

NOES.

Adderley, rt. hn. C. B.
Allen, Major
Annesley, hon. Col. H.
Archdall, Capt. M.
Arkwright, A. P.
Arkwright, R.
Assheton, R.
Bagge, Sir W.
Bailey, Sir J. R.
Ball, J. T.
Baring, T.
Barnett, H.
Barrington, Viscount
Barrow, W. H.
Barttelot, Colonel
Bateson, Sir T.
Bathurst, A. A.
Beach, Sir M. H.
Beach, W. W. B.
Bective, Earl of
Bentinck, G. C.
Benyon, R.
Booth, Sir R. G.
Bourke, Hon. R.
Bourne, Colonel
Bright, R.
Brise, Colonel R.
Brodrick, hon. W.
Bruce, Sir H. H.
Bruen, H.
Buckley, E.
Burrell, Sir P.
Cameron, D.
Cartwright, F.
Cave, right hon. S.
Cecil, Lord E. H. B. G.
Chaplin, H.
Charley, W. T.
Child, Sir S.
Clifton, Sir R. J.
Clive, Col. hon. G. W.
Clowes, S. W.
Cole, Col. hon. H. A.
Corbett, Colonel
Corrance, F. S.
Corry, rt. hon. H. T. L.
Courtenay, Viscount
Crichton, Viscount
Croft, Sir H. G. D.
Cross, R. A.
Cubitt, G.
Cunliffe, J. C. P.
Curzon, Viscount
Dalrymple, C.
Dalway, M. R.
Damer, Capt. Dawson-
Davenport, W. B.
Dawson, R. P.
De Grey, hon. T.
Denison, C. B.
Dick, F.
Dickson, Major A. G.
Dimsdale, R.
Disraeli, rt. hon. B.
Drax, J. S. W. S. E.
Duncombe, hon. Col.
Du Pre, C. G.
Dyke, W. H.
Dyott, Colonel R.
Eastwick, E. B.
Eaton, H. W.
Egerton, hon. A. F.
Egerton, E. C.
Egerton, Sir P. G.
Egerton, hon. W.
Elcho, Lord
Elliot, G.
Elphinstone, Sir J. D. H.
Feilden, H. M.
Fellowes, E.
Fielden, J.
Figgins, J.
Finch, G. H.
Floyer, J.
Forde, Colonel
Forester, rt. hon. Gen.
Fowler, R. N.
Garlies, Lord
Gilpin, Colonel
Goldney, G.
Gore, J. R. O.
Gore, W. R. O.
Graves, S. R.
Gray, Lieut.-Col.
Greaves, E.
Greene, E.
Gregory, G. B.
Guest, A. E.
Gurney, rt. hon. R.
Hambro, C. T.
Hamilton, Lord C.
Hamilton, Lord G.
Hamilton, I. T.
Hamilton, Marquess of
Hardy, rt. hon. G.
Hardy, J.
Hardy, J. S.
Hay, Sir J. C. D.
Henley, rt. hon. J. W.
Henniker-Major, hon. J. M.
Henry, J. S.
Herbert, rt. hn. Gen. P.
Hermon, E.
Hervey, Lord A. H. C.
Hesketh, Sir T. G.
Heygate, Sir F. W.
Hick, J.
Hildyard, T. B. T.
Hill, A. S.
Hoare, P. M.
Hodgson, W. N.
Holford, R. S.
Holmesdale, Viscount
Holt, J. M.
Hood, Captain hon. A. W. A. N.
Hope, A. J. B. B.
Hornby, E. K.
Howes, E.
Hunt, right hn. G. W.
Ingram, H. F. M.
Jackson, R. W.
Jenkinson, Sir G. S.
Johnston, W.
Kavanagh, A. M.
Kekewich, S. T.
Keown, W.
Knightley, Sir R.
Lacon, Sir E. H. K.
Laird, J.
Langton, W. H. P. G.
Lefroy, A.
Legh, W. J.
Lennox, Lord G. G.
Lennox, Lord H. G.
Leslie, C. P.
Lindsay, Col. R. L.
Lopes, H. C.
Lopes, Sir M.
Lowther, W.
Manners, rt. hon. Ld. J.
Maxwell, W. H.
Meller, Colonel
Meyrick, T.
Milles, hon. G. W.
Mills, C. H.
Mitford, W. T.
Montagu, rt. hn. Lord R.
Montgomery, Sir G. G.
Morgan, C. O.
Morgan, hon. Major
Mowbray, rt. hn. J. R.
Neville-Grenville, R.
Newport, Viscount
Noel, Hon. G. J.
North, Colonel
Northcote, right hon. Sir S. H.
O'Neill, hon. E.
Paget, R. H.
Pakington, rt. hn. Sir J.
Palk, Sir L.
Parker, Major W.
Patten, rt. hn. Col. W.
Peek, H. W.
Pell, A.
Pemberton, E. L.
Percy, Earl
Phipps, C. P.
Powell, W.
Raikes, H. C.
Read, C. S.
Ridley, M. W.
Round, J.
Royston, Viscount
Sandon, Viscount
Sclater-Booth, G.
Scott, Lord H. J. M. D.
Scourfield, J. H.
Selwin-Ibbetson, Sir H. J.
Shirley, S. E.
Sidebottom, J.
Simonds, W. B.
Smith, A.
Smith, F. C.
Smith, R.
Smith, S. G.
Smith, W. H.
Stanley, hon. F.
Starkie, J. P. C.
Stopford, S. G.
Stronge, Sir J. M.
Sturt, H. G.
Sturt, Lieut.-Col. N.
Sykes, C.
Talbot, J. G.
Taylor, rt. hon. Col.
Thynne, Lord H. F.
Tipping, W.
Tollemache, J.
Trevor, Lord A. E. H.
Turner, C.
Turnor, E.
Vance, J.
Verner, E. W.
Verner, W.
Vickers, S.
Walpole, rt. hon. S. H.
Walsh, hon. A.
Waterhouse, S.
Welby, W. E.
Wethered, T. O.
Wheelhouse, W. S. J.
Whitmore, H.
Williams, F. M.
Wilmot, H.
Wise, H. C.
Wright, Colonel
Wyndham, hon. P.
Wynn, C. W. W.
Wynn, Sir W. W.

TELLERS.

Newdegate, C. N.
Knox, hon. Colonel S.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

Bill *considered* in Committee.

Mr. GLADSTONE: I rise, Sir, to move that the Committee report Progress, and I take this opportunity of appealing to the hon. Baronet the Member for North Wiltshire to ask him, in deference, I think, to the general wishes of the House, to forbear pressing his Motion to-morrow evening in order to allow of our proceeding with this Bill.

House *resumed.*

Committee report Progress; to sit again *To-morrow.*

Sir GEORGE JENKINSON, in answer to the appeal from the right hon. Gentleman the Prime Minister, said, that he would consult with his Friends between this and to-morrow evening, and give an answer at the re-assembling of the House.

MILITIA BILL.

LEAVE. FIRST READING.

Mr. CARDWELL, in moving for leave to bring in a Bill to amend the Law relating to the Militia, said, that it would probably be in the recollection of the House that in the discussion of the Army Estimates the advisability of allowing the Militia to join with the army for the purpose of training, and to allow officers of the army to be associated with the Militia regiments during the period of training were alluded to. These two objects could not be secured without legislative sanction, and this legislative sanction he now proposed to give. He also proposed to abolish the property qualification in the case of Militia officers.

Bill for amending the Law relating to the Militia, *ordered* to be brought in by Mr. Secretary Cardwell and Major Vivian.

Bill *presented,* and read the first time. [Bill 82.]

WATER SUPPLY BILL.

On Motion of Mr. Biddulph, Bill to make better provision for facilitating and regulating the supply of pure Water in cities, towns, and districts throughout the United Kingdom of Great Britain and Ireland, *ordered* to be brought in by Mr. Biddulph, Mr. Goldney, Colonel Napier Sturt, and the Marquess of Lorne.

Bill *presented,* and read the first time. [Bill 83.]

MUNICIPAL FRANCHISE BILL.

On Motion of Mr. Hibbert, Bill to shorten the term of residence required as a qualification for the Municipal Franchise; and for other purposes relating thereto, *ordered* to be brought in by Mr. Hibbert, Mr. Hodgkinson, and Mr. Candlish.

Bill *presented,* and read the first time. [Bill 85.]

MINES REGULATION BILL.

On Motion of Mr. Secretary Bruce, Bill to consolidate and amend the Acts relating to the Regulation and Inspection of Mines, *ordered* to be brought in by Mr. Secretary Bruce and Mr. Knatchbull-Hugessen.

Bill *presented,* and read the first time. [Bill 84.]

House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Friday, 16*th April,* 1869.

MINUTES.]—Public Bills—*Second Reading*—Colonial Prisoners Removal * (55); Merchant Shipping (Colonial), 1869,* (56).
Report—Naval Stores * (57).
Third Reading—Salmon Fisheries (Ireland)* (43).

RAILWAY COMPANIES.

RESOLUTION.

On Motion of The Chairman of Committees, it was—

Ordered, That in all cases in which Railway Bills of this Session shall (in accordance with the provisions of the Act 31st and 32d Victoria, cap. 119) have been submitted to a meeting of the proprietors of any company in respect of additional powers conferred on such company, and shall have been approved at such meeting, it shall not be necessary to submit the Bill to a meeting of such company to be held in accordance with Standing Order No. 185, unless any of the powers specified in such Order shall have been inserted or materially altered in the House of Commons.

UNITED STATES—THE HOG CHOLERA.

QUESTION.

Earl COWPER wished to put a Question to the Lord President of the Council, of which he had given him private notice — namely, Whether there was any truth in the rumour that a disease called "the Hog Cholera" had broken out in America?

Earl DE GREY and RIPON replied that some information had reached the Government on the subject of the Question put by his noble Friend. It related only to one district in America, and he was unable, at the present moment, to say what amount of importance should be attached to it. What the Government had learned about it was this—a letter had been received by his noble Friend the Foreign Secretary from Mr. H. W. Hemans, dated—"British Consulate, Buffalo, March 20," of which the following was an extract:—

> "An infectious disease known as 'hog cholera,' is widely prevalent just now among American swine. This disease was detected in a large drove which reached Buffalo on the 12th instant, in transit for New York. About fifty of the drove were found to be infected, and several had been sold upon the spot before discovery was made. The flesh of the diseased hog is, of course, totally unfit for human food."

Whether the disease could properly be described as general in America, he could not say; but he had put himself in communication with the Secretary of State for Foreign Affairs, in order that they might obtain fuller and more accurate information on the subject.

PAUPERISM AND EMIGRATION.

OBSERVATIONS.

LORD HOUGHTON: My Lords, my object in calling the attention of the House "to the question of emigration in its relation to the present state of pauperism in this country" is rather to elicit information from those of your Lordships who may take part in the discussion, than to impart any practical information on the subject myself. It is one which presses on the attention of the country with an urgency which, it seems to me, fully justifies Parliamentary intervention. The sad story of the state of the pauper population of this country may be told in half-a-dozen words. On the 1st of July last that population was very nearly 1,000,000, or 4½ per cent of the whole population, being an increase of 5 per cent as compared with the numbers on the 1st of July, 1867; while that again was an increase of 5 per cent as compared with the 1st of July, 1866. What are called the able-bodied poor considerably exceeded 150,000—that being an increase of 7 per cent on the numbers in 1867; while those numbers again were an increase of 6 per cent on the numbers in 1866. It is apparent, therefore, that, notwithstanding the increase of our wealth, pauperism is steadily increasing upon us. When, indeed, we consider what has been the commercial history of this country for the last three years, I do not consider that we can be very much surprised at this state of things. When we consider how much capital has been wasted upon foolish and ignorant enterprises, how unremunerative have been most of our staple trades, and how little pecuniary advantage can have been derived by the shipping interest; when we consider, moreover, that during that period our cotton and iron manufactures can hardly be regarded as having been, in any degree, remunerative—we cannot be surprised at this result with regard to the pauper population. Under these circumstances, the connection between pauperism and emigration is a question which has forced itself with peculiar earnestness on the public mind. Although emigration from the United Kingdom to our Australian, or other colonies, has, during the last two years, been rather declining than otherwise—there having been, in 1868, 196,000 emigrants, whereas in 1867, there were 195,000, while in 1863, there were as many as 223,000—nevertheless the impulse which has recently been given to the subject has been such that, during the first three months of the present year, 25,356 emigrants have left the United Kingdom—a fact unprecedented, I believe, in the history of emigration; whereas the emigrants from Ireland have only been 9,654. Your Lordships must have observed, by articles in the public Press, and by public meetings on behalf of old societies, or for the institution of new ones, that the belief is strongly impressed on the public mind that the pauper population of the country might be relieved as by a magic wand by a very large and systematic scheme of emigration. It requires, of course, very little imagination to place the position of the pauper in this country—the strong man really unable to find work—in the most vivid contrast with his position were he sent up the country in either our North American or Australian colonies; to state that here subsistence is dear, while there it is so cheap that it is almost to be had for nothing; that here employment is very difficult to obtain, while there it may be had for the asking. By putting these things strongly before these poor people, it is easy, no doubt, to impress them with the belief that they are members of an ungrateful, perhaps of an unwise, community, which does not at once transport them, like articles of commerce, from their present position to the position they would occupy on the other side of the ocean, where, instead of being destitute, they would become at once producers and consumers—consumers of

English manufactures—instead of being, as now, a burden on the English public. I am not going, however, to present the subject in any such imaginative point of view. I admit the difficulty of carrying out any large and systematic scheme, for, somehow or other, large and systematic schemes seldom end in anything but cruel disappointment. The suggestions I have to make are of a very modest character, referring as they do to relations which it seems to me might be advantageously instituted between the Colonial Office, in the form of the Emigration Commissioners, and the Poor Law Board. Now, the attitude of our colonies with regard to the emigration question is one of peculiar interest. In the Australian colonies, as your Lordships are aware, a large proportion of labour was originally of a convict character, and almost all of it came over tainted with crime or misfortune. I feel—as we all feel—how great a difficulty has been brought upon our community by the persistent refusal of those colonies to relieve England of its criminal population—even to their own detriment; but I have no right to say that a policy founded on so strong a moral sense, even to the extent of the abnegation of fair advantages, does not deserve every respect. I cannot, however, be unconscious that a good deal of that unwillingness to receive convict labour was in some of the colonies mixed up with a dislike to increase the competition of skilled labour in certain trades and professions. There may, indeed, be some exaggeration in the view presented to the public by Mr. Dilke in his book, *Greater Britain,* as to the intensity of that dislike in the more democratic Australian colonies; but it is clear that there are many grounds for that view. Nevertheless, the Australian colonies have, in many forms, given a bounty to British labourers, and have expended a very large amount of money for that purpose. In fact, the expenditure, I am informed, has been so large that they have incurred heavy debts and brought themselves into great difficulties, so that they are now for the most part unable to continue to assist free emigration from this country. It may be regarded as a great misfortune for us that, at the very time when we are most likely to want emigration, the colonies should cease to afford us the means of carrying it out. but I think your Lordships will see that there is another side to this question. If we desire to export any large portion of our pauper population, we cannot expect the colonies to receive them with exactly the same willingness and gratification as if they were picked men, chosen by the Emigration Commissioners or by the agents of the respective colonies. If, however, we bear in mind that these colonies feel very strongly the want of labour and are unable out of their own resources to obtain it, we can fairly tell them they must take an inferior article, whether they like it or not, if we are to give them assistance in obtaining labour. Now there is no reason why the degradation which in England is attached to the condition of pauperism should necessarily follow the honest pauper to the other side of the world, having been transported to a country where his antecedents would be unknown, and where he would be without any of the temptations which would lead him to relapse into the condition of pauperism. I should hope that any indisposition to receive men, simply because they had fallen into the condition of paupers in this country, would very soon disappear. That it should exist at the present moment, however, is no doubt a difficulty which has to be dealt with. That the demand for labour in the Australian colonies is very great is to be inferred from everything that has been told us by the agents of those colonies, and by the present condition of Australia. There are facts, indeed, which show the straits in which they are placed to obtain anything like competent labour. In Queensland an attempt has been made to get Papuan savages from the Feejee Islands for the purpose of securing their crops, and shepherds, with or without any character, from all parts of the world are welcomed, and have a free passage. Agricultural labour is certainly in demand in Queensland, certainly also in Tasmania, and probably in New South Wales; and there is no doubt that the colonial Governments, or public opinion there, would not stand out for such very hard terms as they have done hitherto. There is every reason to believe that pauper colonists landed on the shores of the Australian colonies would be received with a considerable degree of welcome. Moreover, in connection with this subject, an event of great importance has occurred within the last few days—the

Hudson's Bay Company having agreed to transfer their territory to the Dominion of Canada. Now, the gentlemen who came over here, and who have carried through that important negotiation, have been loud in their demands for every kind of labour to aid them in making the territory productive, and at our public meetings they have used the most high-flown language for the purpose of inducing Englishmen to go out and settle there. They said, however, that the Canadian Government could hardly be expected to advance money for the purpose of transporting Englishmen to Canada, for the simple reason that, when they formerly did so, a very large proportion of the persons who arrived in Canada only made use of the money to transport themselves immediately to the United States. If the Canadian Government could only be persuaded to take charge of emigrants on their arrival, and to give them every assistance in establishing themselves, and in giving them a free passage up the country, so as to put them in a position of tolerable comfort until they had obtained some fixed employment, they would, I think, do all that would be required. Assuming, however, for the sake of argument, that those pauper colonists would be welcomed in Canada or Australia, and would in a few months be established in a position of comparative comfort and prosperity, the question arises, how are they to get there?—a question the gravity of which I do not for a moment deny. There are only two modes in which paupers desirous of emigrating can be conveyed to those colonies—either by money raised according to the Poor Law system of rates, or by some assistance from the Imperial Exchequer. With regard to the former, by a recent enactment, Poor Law Guardians are empowered to give pecuniary assistance to emigration with the consent of the Poor Law Board, and this has been acted upon on two occasions in the Poplar Union, where so much distress has prevailed. It may also have been put in force in other unions; but this power is accompanied by so many limitations and has been so little pressed upon the guardians, that it has not been carried out to any extent. Such assistance can, moreover, only be supplied out of any superfluous funds that may be in hand. In an Irish Act, however, of 1849—the Act for more effectually relieving destitute poor in Ireland—some clauses were introduced, I believe by Mr. Monsell, the present Under Secretary for the Colonies, which authorize Boards of Guardians to raise money by a rate not exceeding 2*s.* 4*d.* in the pound for the purposes of emigration, and also—what is more important—to raise such sum by loans on the security of the rates, repayable by instalments, in such manner as the Poor Law Commissioners shall direct. The operation of this Act would be very much the same as that of the 26 & 27 Victoria, which enables guardians, with the consent of the Poor Law Board, to borrow money from the Public Works Loan Commissioners for any important works; and there would, I think, be no difficulty in an Act empowering English Boards of Guardians to raise money by debenture in that way for the purposes of emigration. Supposing it was thought advisable to give this power to the guardians, it would deserve consideration whether money should not be lent as cheaply as possible by the Government for this purpose. In this transaction there would be no injury to any party, and the security would be quite sufficient. Now, with regard to assistance to be given from the Imperial funds—considering that the pressure of this pauper emigration would be the heaviest on those unions which are already the most heavily burdened, and that the metropolis, especially, would be the area of the experiment—the question arises whether it would be fair to place the burden of the cost upon the entire kingdom by throwing the expense on the Imperial Exchequer. I am aware that we are at present under an especially economical Government, and that to hint, even in the vaguest way, at any unnecessary expenditure to the present Ministry, is almost a personal insult to them. It is impossible, however, not to see that the purely local feeling that every locality is to maintain its own poor is very much giving way. I need not refer in proof of this to the alterations that have been made in the Law of Settlement, and to the enactments respecting union rating. It is evident that the opinion is making way that the difference between local and general burdens is more apparent than real, and that as far as the real interests of the country are concerned—the wealth of the country, the power of consuming excisable articles, and all the other advantages of wealth—it matters extremely little whether taxation is levied locally or generally. The question of economy by means of local administration is a totally different one, having its own argument and its own sphere, and must not be allowed to affect the other question. I do not see, then, why some assistance given by the Government for the relief of certain localities for the purpose of pauper emigration should be regarded as hostile to national interests or to the principles of political economy. It is said, I know, that every pauper we send out, either by rates or by Government assistance, will in a very short time be replaced by other individuals generated in exactly the same condition. Now, there is no doubt that the English Poor Law, while founded on principles of great benevolence, has had the effect of producing a population with less self-control than any other population in the world. We must take the Poor Law with its immoral as well as its benevolent results, and it is not for me on this occasion to propose any alteration in so comprehensive a system. I must, however, remark that while other countries have been agitated to the very core, while revolutions have actually occurred from the notion of the people of their right to be supplied with work, Englishmen have been almost imbued with the notion of a right to be maintained without work. So imbued is this principle in them that to attempt in any degree to contravene it would almost provoke physical resistance; the grown population, adult men, unable to find work, believe that the country must support them if they cannot find means of supporting themselves, and this belief is one so fraught with danger in the future condition of the peoples of Europe that it cannot have entirely escaped your Lordships' attention. I do not wish to exaggerate, or to represent that this danger is much greater at the present moment than it has been for some time past; but if we can in any degree diminish that danger by a process in itself moral, salutary, and beneficial, it is well that we should do so. Now, the leading principle on which I suggest that this question might be approached is, that there should be a tripartite division of labour between the Imperial Government, the local or Poor Law authorities, and the colonies. I believe that if the noble Earl the Secretary for the Colonies (Earl Granville) and my most intelligent Friend at the head of the Poor Law Board (Mr. Goschen) would put their heads together to see in what way the issue might be brought about most cheaply and most beneficially, there would be very considerable results. It would be well, I think, not to press the colonial Governments for any assistance in conveying these emigrants. It should be clearly understood that as long as they bore, or assisted in bearing, the expense of transportation, they had a full right to pick out their own men, and impose such conditions as they chose; but when England, either out of Imperial or local taxes, takes upon itself the expense of transporting emigrants, all we have a right to demand is that the emigrants, when landed, shall be so received and treated that our object in establishing them there in comparative comfort and prosperity shall be carried out. I do not think the colonies to which I have alluded would be unwilling to accede to those terms, for they have already, through their agents, evinced their desire for some such arrangement. There is more difficulty in the other part of the scheme—namely, the relations of the Poor Law Board and the Poor Law guardians. The guardians, I need not say, are very difficult persons to deal with, and it would require great discretion to prevent them from desiring to send out unfit persons. It would be said that they were not doing their duty in sending out very young and unprotected persons, and occasionally they would desire to send out persons very unwelcome to the colonists. Some intermediate agency, therefore, is required between the Poor Law Board and the guardians, to select such persons as would be perfectly fit—for it would be of no use sending out any large portion of our pauper population, who would not find themselves on their arrival in a different and much better condition to that which they would occupy in this country. The Poor Law Board might, I think, be depended upon for carrying out the plan as carefully as the colonial Governments could have a right to demand. As to assistance to be given by the Imperial Government, it need not be given in money or in any other way than facilities for transportation. At the present moment two ships, I believe, are being freighted at the public expense with dockyard labourers, as emigrants to certain colonies, these men having been recently discharged from our dockyards under the economical arrangements of the Government. I am not sure whether even more is not being done for them; but, at any rate, they are to have a free passage. Now, if this plan were adopted, I think there would be no fear of any serious expense. The emigratory tendencies of the English people are not naturally very strong — they have no great wish to leave their native country, and they do not like the Irish found homes on the other side of the Atlantic. This is shown unfortunately in the very small sums of money ever sent home by English colonists for the purpose of bringing over their relatives and friends, in proportion to what is done in that way by Irishmen. It would almost be necessary to stimulate a considerable number of persons to emigrate who would make excellent colonists, but who are here very useless, and some means of private benevolence could, I have no doubt, be easily devised for this purpose. Should this scheme receive any favour from the Government, they will, I am sure, only gratify a strong public sense of what is required. Benevolent persons have shown an intense desire to initiate action in this matter, and if their co-operation were demanded by the Government, it would, I am sure, be freely forthcoming. If, however, it be thought that the question is too large to be dealt with in this way, and that there are difficulties greater than those I have brought before your Lordships, it would be the duty of the Government to propose a larger measure. I do not know whether a Committee of either House of Parliament would be able to obtain information further than what is obtainable by the ordinary means of information, but it is possible that the authority and judgment of a Royal Commission might assist both the Government and public opinion. A Commission consisting of men who are really in earnest in this matter and capable of comprehending its difficulties—of men whose names would carry weight—might lay down a sounder basis for the future than can be done at the present moment. I should, however, much regret if the Government in coming to such a conclusion, should feel themselves precluded from any immediate action. It is not impossible to combine prompt action in the matter for the present with the appointment of a Royal Commission which should investigate the question for the future; for what is done now can only be regarded as a palliative, and the great question of pauperism is one which presses heavily upon the future. I am not sure that it would be easy to consider the question of the relation of pauperism to emigration without diverging into other and larger matters. It has been suggested by some to whom I much defer that the question of pauperism itself in its more general aspect is one which demands the appointment of a Royal Commission, which might consider the condition of the poor in different portions of the world, and analyze, as far as human wisdom can do, the present position of this country in this respect. We suffer from a calamity from which most of the other countries in Europe are free, and it deserves consideration whether we might not deal with that apparent calamity by such an extension, as it were, of the British Empire and its colonies as to combine them in one great whole for the purpose of productive employment, substituting the area of the world, which, taken altogether, is thinly populated, for this little island with all its difficulties and its dense population. If such a result could be arrived at, we should only, in dealing with the question of emigration to our colonies, be transporting the dense labour of one portion of the world to an enormous area where labour is urgently required.

Earl GRANVILLE: The noble Lord has brought before the House a subject which cannot fail to interest those who pay any attention to the great social questions of the day, and, sad as was his picture of the state of pauperism in this country, I believe it was not overcharged. As the noble Lord, however, very properly remarked, it is not surprising, after the great financial panic—a great inflation of credit, followed by a sudden collapse — and after the great cotton famine in America, and the consequent condition of our chief trades and manufactures, and after several indifferent harvests in this country—that a large amount of pauperism should exist. The noble Lord stated, and no doubt correctly, that 150,000 able-bodied men and women are now receiving relief. But there are some circumstances to be borne in mind in reference to this matter. With regard to the men, an employer is naturally reluctant to dismiss men, even if they are not quite equal to their work, as long as employment can be found for them; but when once a suspension of work has occurred, the head of an establishment, on trade becoming better, will take back the stronger, more active, and more skilful men, and will leave the worn-out men, whom he had kept on before rather from charitable feelings than for any other reason, and they will consequently become chargeable to the parish as able-bodied poor, though they might be more accurately described in a different manner. That would, to some extent, account for the increase in pauperism. With regard to emigration, it is so obvious that it may be of great value in the event of an insufficiency of employment, that it is not surprising that public attention has been called to it, with a view to relieving the poor of this country. The noble Lord suggests three ways of proceeding in this matter, and alluded to the recent transfer of the Hudson's Bay Company's territory. I have received innumerable communications on the subject—some, I must say, taking a too sanguine view of present circumstances, and others of the wildest character. Only two days ago I was asked to arrest the transfer of the Hudson's Bay territory to Canada, on the ground that there was a scheme for transferring the whole of our criminal and pauper population to the point in that territory the farthest from the sea, where they could not contaminate others or be themselves contaminated; where the inducement to crime would be diminished by the prohibition of all spirituous liquors, and where, with regard to attacks on property, there would be this great remedy, that there would be nothing to steal. I am far, however, from quoting this as a type of the really interesting schemes which have been suggested. The noble Lord's three remedies are these—first, that the President of the Poor Law Board and I should put our heads together; next, that there should be a tripartite arrangement, which he did not very clearly define, between the colonies, the Poor Law Board, and the Imperial Government, to promote emigration; and, thirdly, that a Royal Commission should be appointed to consider the whole subject. Now, I very much doubt the expediency of a Royal Commission. I believe it is a subject of which the facts are well known; and, if anything is to be done, it is the duty of the Government to attempt it, and not to refer questions of this kind to irresponsible Commissions, which are attended with great public expense. One of the noble Lord's wishes has already been gratified, for the President of the Poor Law Board and I have put our heads together, and I will inform your Lordships of the conclusion to which we have come. It is clear that one of the most advantageous modes of emigration is when an active man with a small capital sufficient to start himself goes and seeks his fortune. Such a man is highly welcomed in any colony: very often he adds greatly to its wealth; and he probably, unless he prefers settling permanently in the colony, brings back much wealth to his native country. On the other hand, the efforts of private benevolence, if well guided—and unless well guided they produce mischief instead of good—are no doubt very useful, but they can have only a very limited effect in relieving the poverty of a great and rich country. The three other modes described by the noble Lord are—assistance given by the Imperial Government — assistance by the colonial Government — and assistance by the Poor Law guardians — so as to diminish the burden of the rates by sending out some of the most needy portion of the population. With regard to Imperial assistance, the noble Lord paid a compliment to the present Government which I most gladly accept; but I very much doubt whether any Government—even one the least economical in the noble Lord's opinion, would think it desirable to promote emigration by assistance from the Imperial funds. In the first place, if Imperial funds are administered by local bodies, we all know that they are not to be relied upon for that purpose; and if they be distributed by a central Board, it is impossible that such a Board should have the knowledge required for sifting the claims of numerous individuals, some of them quite ready and able to go out at their own expense if they had not this temptation of Imperial funds. Moreover, any assistance from Imperial taxation would inevitably produce a result which I am sure the noble Lord would deplore. You could not confine the action of Imperial taxation to England and and Scotland;—you must extend it to Ireland; and what would be the consequence? In a few years more than 2,000,000 of people have emigrated from Ireland by private means: and I think it is one of the most striking facts in history how in so many cases families sent out one or two of their strongest and most active members, who, when they succeeded in prospering in the manner which the noble Lord desires, transmitted £14,000,000—it is supposed even more—to their friends and relatives at home. It is really one of the most glorious traits in the Irish character, and goes far to take away the sting of some of those wholesale attacks which some of us are too apt to make with regard to the Irish character. It shows not only an amount of kindness and affection, but a power of self-control and self-denial which is truly admirable. Now, the effects of Imperial aid to emigration would be to stop this flow of money. I believe it now comes, almost without exception, in the form of passage warrants; but in future they would of course send money to the person who wished to emigrate, and he would then claim to be carried over the sea at the public expense. As to colonial aid, that is a matter which the Government can in no way command; it is at the option of a colony wishing for labour to make offers to induce emigrants to be sent out, but it is not for us to order colonies to do it; and even to make such an arrangement as the noble Lord suggests, would be extremely difficult. The noble Lord thinks the Australian colonies would not be very particular as to the class of emigrants they received. [Lord HOUGHTON: If they did not pay for them themselves.] If, however, emigration is to relieve this country of paupers, Australia surely is hardly the country you would select for the purpose. It is clear that the transmission of emigrants to Australia is almost without exception in sailing ships, taking, I believe, something like 100 days to get there. The cost, therefore, of removing a large number of destitute people at the expense of others would be so great that I cannot conceive—merely taking the question as one for the relief of this country—it could be entertained in the slightest degree. All the information we receive, moreover, is in support of Mr. Dilke's statement. During the cotton famine circulars were sent out by the Duke of Newcastle to all the colonies which were at all likely to receive emigrants. A great many of the colonies sent no answers; but those which did answer stated that, while willing to receive emigrants, those emigrants must be of a particular class. They said they did not want persons accustomed to sedentary employments, or very highly-skilled artizans; still less did they want persons of a worthless character, or those accustomed to habitual pauperism. What they wanted were able-bodied out-door labourers, bricklayers, and house carpenters, and also respectable female servants. Now, these are just the classes which would hardly be affected at all by any mode of dealing with the subject which the Government might propose. My noble Friend alluded to the efforts of private benevolence, aided by the Government, with respect to the distress caused by the diminution of work in our dockyards; but this is altogether a special case, in which the distress has arisen among persons who were lately in the employment of the Government, and two large transport ships being about immediately to go out to Canada empty, the Admiralty placed them at the disposal of certain benevolent persons—all the incidental expenses being paid—for the purpose of taking out those dockyard men who wished to emigrate. What has been the result? There are two ships in readiness, capable of holding each 750 men. Instead, however, of sending out 1,500 men, no applications have been received from Plymouth, while only 140 have been made from Portsmouth, and it is very likely that about the same number, or even more, will come from Woolwich. These facts show the difficulty of getting emigrants from a class of persons who would be really valuable to the colonies. My noble Friend behind me (Lord Portman) mentioned to me, since he came into the House, that he had been employed by Mr. Canning to ascertain how far a scheme of emigration, aided by Imperial money, could be carried into effect. The House of Commons at that time. however, it appears, refused to vote money for the purpose; but trade almost immediately improved, and even if they had voted the money they would not have found any able-bodied persons to have emigrated. My noble Friend (Lord Houghton) stated, I believe, quite accurately the provisions which now exist empowering Boards of Guardians to relieve the rates by sending out those who press most heavily upon them. But these provisions have, I understand, been found to be almost inoperative. My right hon. Friend Mr. Goschen ascertained that some of the regulations under which this class of emigrants are sent out were framed between twenty and thirty years ago, which the Passenger Act and other matters now make unnecessary. He has placed himself in communication with the Emigration department of the Colonial Office, and they too are of opinion that a change should be made. My right hon. Friend then sent a circular to the Boards of Guardians making inquiries as to the practical difficulties in the way of sending out persons. They complained that they had very great difficulties to contend with; and that even at this moment persons came to them applying for the £8 emigration money, who, when they were asked whether they had been sent by the relieving officer, were found not to be in the receipt of parochial relief at all, but to be merely sent by benevolent persons in the hope of getting them out of the country, with the view, no doubt, that they might better their fortunes in another place. What, under the circumstances, my right hon. Friend, after the greatest care and consideration, proposes to do—seeing that it is almost absolutely impossible to separate the parishes and to go into details—is to establish a central body which shall be in communication with colonial agents, or an Imperial officer, who would be a check on the emigrants, so that no improper person should be sent out. From the information which we have received, we have been led to believe that almost the only persons really receiving outdoor relief, except for a very short time indeed, are persons whom it is not desirable should be sent out. There are many poor widows who have been unexpectedly reduced to poverty, and other women of that sort, who, no doubt, would better their condition greatly by emigrating to the colonies; but that is a class of persons who shrink from the attempt: so that when I mention the administrative improvements by means of which Mr. Goschen hopes to enable the Boards of Guardians to relieve themselves and confer a benefit upon the colonies, I do so without at all holding out to your Lordships the idea that I myself entertain any extravagant notion that a really great relief, so far as the existence of pauperism is concerned, will be experienced. So far as relates to the colonies, I am bound to say that I think we should proceed with the greatest delicacy in this matter. The United States have guarded themselves most rigidly against receiving emigrants whom they did not look upon as desirable; and it is quite clear that the colonies would view with great suspicion any course of proceeding which would threaten to inundate them with paupers and others who it might be supposed would improve themselves in a wider country, and would take the most stringent steps to prevent that sort of immigration—a course which, I think, they would be perfectly justified in adopting. The answer which I have had to give to my noble Friend will not, I am afraid, be perfectly satisfactory to him; but the inherent difficulties of the subject—not any wish on the part of the Government to shrink from dealing with it—must be my excuse.

Lord OVERSTONE said, he almost felt that the most appropriate course with respect to the Motion would be to move "the Previous Question." He wished their Lordships to consider seriously what was the evidence that this country is in such a condition as to require that we should resort to an extensive system of emigration, to be worked through the authority of the Government and the Boards of Guardians, and defrayed by a charge upon the rates. His apprehension was that they were seeking to apply empirical remedies to a temporary evil. He could speak in a tone more hopeful than that of preceding speakers — he ventured to doubt whether there was really anything unsound in our condition. All the elementary principles which affect the social condition of a country told a very different tale from that with which the noble Lord who brought forward the question sought to impress the House. This country is the richest country in the world: we are lenders to other nations, and purchasers of the securities of all foreign Governments. Our imports and exports have increased to an enormous amount, and we are, year by year accumulating capital at a rate which was almost gigantic. He recollected that a few years ago the noble Earl (Earl Russell) who was then at the head of the Government had said to him with a tone of surprise, that an eminent financial authority had stated that our annual savings amounted to £75,000,000, and had asked him if he believed the statement to be correct. His (Lord Overstone's) answer was that he would have stated the amount at a much higher figure: and subsequently he had occasion to notice that the result of the inquiries of the ablest statisticians of the country had been to put our accumulation of capital at something like £150,000,000 a year. Now, the capital of a nation is its labour fund; and yet with the enormous accumulation of capital which he had just mentioned, we are told that we must resort to every means in our power for exporting our labour. But, following the matter up, we ought to see the effects of the increasing wealth of a country in a steadily increasing rate of wages. And looking upon the question in that point of view, whence, he would ask, had risen the necessity under which the Government had found themselves recently placed of raising the pay of the soldier? Was it not to be found in the fact that they could not otherwise secure the number of recruits which they required? How, again, was the agricultural labourer situated with regard to wages? Was it not notorious that the wages in the agricultural districts had risen within the last twenty years at least 25 per cent—from 9*s.* to 12*s.* in some counties; from 10*s.* to 13*s.* in other counties? What was the position of domestic servants? Had not their wages, too, largely increased; while the wages of skilled artizans in every part of England were high, and by some, said to be even excessive? That being so, it was clear that we had all the evidences of largely accumulated capital working out its legitimate results in a corresponding rise of wages. He came next to the Poor Law, and he feared there was much in the administration of that law which was unsound, and which required their Lordships' careful consideration. He was afraid the Poor Law had not been faithfully carried out. If the Poor Law were thoroughly and efficiently administered, according to the principles upon which the Poor Law Amendment Act was based, it would be easy to ascertain the classes of people who were to be dealt with and their moral characteristics. Effectual means were provided by that Act for distinguishing the professional pauper from the poor man who became so through misfortune. They should first ascertain of what class the increased number of paupers alluded to by the noble Lord consisted—whether they were habitual paupers, or persons thrown out of employment by distress of trade; the true remedy would then be a more rigid administration of the law according to the classes of the applicants. There were two main causes of distress and want of employment. First of all, there was what he might term local congestion, by which certain classes in particular parts of the country were thrown out of work. Now, this must always happen, and more especially in a prosperous and progressive country. If England were to go forward in the path of prosperity particular classes would necessarily be thrown out of employment from time to time, because other classes applying their labour to new processes, or in a more effectual form, were ready to take their places. Another cause of distress was the periodically recurring commercial crises; but he had always maintained that such events, however disastrous at the time, were the seed of expanding prosperity in the future. One of these crises had recently occurred, and it was much intensified, and the period of recovery was much protracted, in consequence of the operation of the new laws on the subject of partnership. Only the other day, indeed, he asked a merchant in the City whether people were beginning to have confidence again in one another, and the reply was—"Very slowly indeed." Still, he had great confidence that, in the absence of untoward political events, a gradual return to our accustomed state of progressive prosperity may be confidently anticipated; and that, in the meantime—although local efforts to relieve by emigration the distress of a particular district may, in some cases, be both humane and politic—there is no unsoundness in the general condition of the country which calls for an organized system of national emigration.

EARL GREY said, that, after the admirable speech of his noble Friend who had just sat down, it would not be necessary for him to trouble their Lordships with some of the remarks which he should otherwise have made. The subject, however, was one which had occupied much of his attention for the last forty years, and he could not help adding a few words to what had fallen from his noble Friend. He entirely concurred with him in believing that this country was not, in the ordinary sense of the word, overpeopled. There was no excess of population beyond what the country was well able to sustain. He could conceive, indeed, that the country might have been overpeopled when the population were, to a great extent, debarred from obtaining supplies of food from foreign countries; but in these days, when the whole world was open to us for supplies, when a large proportion of the food of the people was annually imported from abroad, and when the quantity of those supplies might be indefinitely increased, because we could afford to pay for them, it seemed to him to be idle to talk of the country being overpopulated in the sense of its containing more able bodied, intelligent, and skilled men than it could find employment for. He maintained that to reduce the number of our working population would be to take away the very sinews and strength of the country. His noble Friend (Lord Overstone) had referred to the immense annual increase in our capital: but how, he would ask, was capital to be made available unless by the hands of the working men? By diminishing their number, instead of improving the condition of the country, we should, he felt convinced, be doing exactly the reverse, because the productive power of the country and the number of the working population could not be diminished without causing the burthen of our debt and of our establishments to fall more heavily on those who staid at home. In the distribution of labour there might be, as his noble Friend had remarked, local congestion in particular places; but it was perfectly clear that at this moment labour was not redundant on the whole in this country. What his noble Friend had stated with regard to the increase of wages in every department of industry proved that beyond all doubt. In the manufacturing districts, if the accounts which had appeared in *The Times* and other journals could be trusted, it was quite clear that the working men were not only receiving higher wages than they got forty years ago, but also that those wages would go much further than formerly in purchasing the necessaries and comforts of life. The same was the case with regard to agricultural labour. Very lately he had heard from a Northumberland farmer that, without any increase in the amount of labour he employed on his farm, he now paid £100 a year more for labour than he used to do twenty or twenty-five years ago: and there could be no doubt there had been a general increase in agricultural wages. No doubt the wages for agricultural labour were still much lower than was desirable, and every one must deplore the wretched condition of the labourers in some parts of England; but he was persuaded that improvement could only spring from natural causes, and could not be brought about by undue interference. Much had already been done in the way of removing obstacles that formerly stood in the way of the natural increase in the wages of labour. The Union Chargeability Act, for instance, had done much in the way of promoting the circulation of labour and enabling labourers to seek for work in those parts of the country where the highest wages were to be had. Then, the spread of education had tended to improve the agricultural labourer's condition, by increasing his intelligence, and enabling him to apply his labour more effectively by means of the improved implements of modern times. This had done much, particularly in the Northern counties, to raise the condition of the labourers, although undoubtedly much remained to be accomplished in that direction. This was not the first time that emigration on a large scale had been recommended as being absolutely necessary in order to prevent great distress in this country, owing to the too great numbers of the people, and that, too, when the population was far below its present amount. Very soon after he entered the House of Commons, the late Mr. Wilmot Horton brought the subject under the notice of Parliament and of the public in several successive years. Many of their Lordships might remember that, at that time, and especially in the year 1830, the condition of the people in the South of England was truly deplorable. He had a vivid recollection of the winter of that year, when the dreadful "Swing" riots broke out in consequence of the general distress. In Hertfordshire and some other counties he had seen whole troops of able-bodied men standing round the churches waiting to be admitted into the vestries, where they were paid, not according to the value of their labour, but according to the necessities of their families. At that time the rates rose in some parishes to 20*s*. in the pound, and in one celebrated instance even higher. Cultivation of the land was suspended, and a rate-in-aid had to be called for. Again, after the potato famine in Ireland, in 1845 and 1846, there was an universal demand for a large system of emigration. But on both occasions there were found to be insuperable objections to any measure of that kind. The noble Earl the Secretary of State for the Colonies had justly described some of those objections. It was found both in 1830 and again sixteen years later, that if they were to send out labourers they could not safely do so without undertaking on behalf of the public the heavy charge, and still more serious responsibility of organizing arrangements for receiving them and employing them when they arrived; because, although it was perfectly true that the labour market in the colonies—and especially in the Australian colonies—was habitually in a state in which there was a great demand for labour, yet those colonies were not so large and not so populous but that a comparatively small excess of labour suddenly introduced might for a time produce great difficulty. Even without taking any artificial means to stimulate emigration by large grants of money from the poor rates, or from Imperial funds, it had more than once happened, that in Australia, the number of emigrants, from accidental causes, had exceeded the demand, and sometimes even the arrival of a few hundreds more than were required produced considerable distress, and the colonial Governments had some difficulty in meeting it; and they were compelled at times to organize special means of relief and employment for the able-bodied persons who went out. It was true that the colonies could receive, with great advantage to themselves as well as to us, a very considerable number of efficient labourers; but they must really be efficient—not persons tainted with pauper habits; still less persons given to profligate habits, and likely to be tempted by the low price at which drink could be obtained in the colonies to indulge in what he was sorry to say was the prevailing vice of Englishmen both in the colonies and in the mother country. Drunkenness was too often the cause of the failure of the labourer both at home and abroad, and there could be no greater error than to send to a colony a labourer whose disposition towards drunkenness had made him fail at home. But a considerable number of efficient labourers — those that were wanted—would find their way to the colonies without the adoption of artificial means, whether through the medium of the poor rates or of the Imperial revenue. If we sent out our best labourers we diminished the strength and productive power of the country. On the other hand, if we attempted to send out labourers of a different class we did an injury to the colonies. Even in 1846 and 1847 there was so great an alarm in the colonies with regard to the class of emigrants that were driven out by the potatoe famine, that all the American colonies, without exception, passed Bills imposing taxes for the express purpose of raising funds to guard themselves against the difficulties which might thus be thrown upon them. They did that most properly; and having then himself the honour of being Secretary of State for the Colonies he certainly, with the concurrence of the Government of the day, did inform the Governors of all those colonies that he thought, by imposing those taxes, and applying the money derived from them in order to benefit the emigrants and provide for their proper reception on their arrival, they were taking a course which was only just to the old inhabitants of the colonies and necessary for their protection. Those measures had answered exceedingly well. What it was deemed right at that time to do was not to resort to any artificial means of carrying on emigration at the expense of the public funds in this country, but still to afford all possible facilities and assistance to those who, of their own free-will, endeavoured to find in the colonies a better provision for themselves than they could obtain at home. And on looking back over a number of years it was remarkable what great results had followed from that course. His noble Friend (Lord Houghton) had suggested that a Royal Commission should be appointed. Now, he (Earl Grey) was heartily glad to hear the Secretary of State for the Colonies declare that the Government had no such intention, because he was persuaded that, at the present time, there was no occasion for any such Commission. But he remembered that a Commission was appointed in 1831, and presided over by the late Duke of Richmond, of which he had the honour of being a member, for the purpose of considering in what manner emigration might be promoted and assisted to the Australian colonies. On the advice of that Commission various measures were adopted which proved of great benefit. At that time there was no such thing as a merchant ship in which a passage could be obtained to those colonies at a price that was anything like within the reach of the labourer; but upon the recommendation of the Commission of that day, by means of colonial funds, arrangements on a very limited scale were made for sending out a small number of labourers of the kind most wanted in the colonies; and, at the same time, encouragement was given to shipowners and others to provide vessels in which emigrants of the labouring class could be taken out at an expense within their reach. From those small beginnings a great emigration to Australia afterwards ensued. The funds by which the emigrants who were wanted were sent out were entirely derived from the sale of colonial lands. The theory was brought forward at that time by a gentleman of great ability—the late Mr. Gibbon Wakefield—that, by the sale of colonial land, money might be raised by which labourers might be enabled to go to the colonies, who, when they arrived, would give a value to that land and make it worth the price given for it. That system was adopted under the direction of the late Lord Ripon, when Secretary of State for the Colonies, when he himself held the office of Under Secretary; under those arrangements and by an Act of Parliament passed upon the recommendation of a Committee presided over by the late Sir Henry Ward, funds to a very large amount indeed were obtained from the sale of land in Australia and by those means a considerable number of picked labourers were sent out from this country to whose arrival in the Australian colonies the present prosperity of those colonies was mainly due. He (Earl Grey) thought the Australian colonies had made a great mistake for their own welfare and that of the mother country in abandoning that system, and in proceeding in the manner they had done in respect to the giving of increased facilities for the purchase of that land, which really meant increased facilities for the buying up of land by certain capitalists and others who might engross it and prevent its being dealt with in small quantities when wanted, and at the same time entirely putting an end to that great fund which had been the means of sending out so large a number of labourers who had originated Australian prosperity. That system, he was sorry to say, had of late years been gradually broken in upon and almost entirely abandoned, and a very great check had been given to that successful and beneficial emigration. But though it was greatly to be regretted that that had ceased, he could not believe that to this country its cessation was so great a misfortune. This country would not be the loser, but mainly and chiefly the Australian colonies; because the number of labourers who had gone out was too small to have had any real or substantial effect on the labour market of this country; and moreover, as they were the picked part of our population, they were certainly not persons whom we had any desire to get rid of. He wished to point out to his noble Friend who had initiated this question (Lord Houghton) that, though it was perfectly true that money had been given by the Australian colonies to enable us to send out labourers, that was not attended by any of those disadvantages which would have arisen if it were distinctly done as a mode of relief for the poverty of this country. It was given as a fund to be employed to the best advantage of the colonies, and not for the purpose of relieving persons in this country—therefore, it had no tendency to check voluntary emigration, or the sending of money home by persons abroad to enable their relations to go out and join them. He was very glad to hear from his noble Friend (Earl Granville) that it was not intended by

Her Majesty's Government to issue a Royal Commission for the purpose of inquiry. There was only one part of his noble Friend's speech which he had heard with any regret, and that was where he stated that it was the intention of the Government to see whether the central body, which was to be intrusted with certain powers for the relief of pauperism in the metropolis, might not apply some of the funds at its disposal to assist emigration. He trusted that if any money were to be applied in that way it would be done with extreme caution; but he was afraid that no caution would be sufficient to prevent such an application of money from being attended with extreme danger.

The Earl of CARNARVON: My Lords, I do not wish to travel over the ground which has been so ably gone over before in the course of this debate—it is quite sufficient for my purpose to say that I agree in the main, if not perhaps entirely, with the views expressed by my noble Friend who has just sat down (Earl Grey). The speech which my noble Friend has made is a speech perfectly consistent with the position which he has all along taken on this question, and is one which he might have spoken or a chapter which he might have written many years ago, when he held the Seals of the Colonial Office. I would only supplement his argument by saying that if my noble Friend was right in his views as to redundancy of population at the time he wrote those chapters which so many of your Lordships have read with interest, he is more right now; because the difficulty which then pressed and still presses so hardly was the unequal distribution of labour in this country. Since then you have had many alleviations of this evil—you have had relaxations of the Law of Settlement, you have had railway communication spread over the country, and you have had emigration information diffused through every class of the population. Therefore labour has been more equally distributed, and is in process of still more equal distribution; and though I am not quite prepared to go as far as my noble Friend on the question of wages, they have certainly very much risen in some classes, and perhaps in all. I was also very glad to hear the speech of the noble Earl the Colonial Secretary. I think he advanced incontestable objections to the scheme—if it can be called a scheme—of the noble Lord on the cross-Benches (Lord Houghton). My object in rising, however, is rather to say one word as to a particular phrase which escaped from the noble Lord in bringing this subject forward; and for this reason—because I think that phrase was calculated to be misapprehended, and by misleading persons, perhaps, to do a great deal of mischief. The noble Lord stated that there is at this time a very great demand for labour in the Australian colonies; and having made that statement he proceeded to base upon it an assumption that, by some little amount of pressure on our part, the Australian colonies would be willing to take what he called an "inferior article" as applied to the persons whom we might send out. Now, I doubt extremely whether there is that great demand for labour in the Australian colonies at this moment, and I am quite satisfied that none of those colonies would be induced to take what the noble Lord calls an "inferior article." Your Lordships are aware it is but a comparatively short time since transportation to Australia has come to an end; but the feeling with respect to transportation is, I believe, almost as strong now as it ever was. "Convictism"—for they have coined a word to express that particular meaning—"convictism" is still so fresh in their minds that the Australian colonists would shrink from anything which in the faintest degree approximated to what led them into such opposition to this country. And so far has this been carried that I know, a few years ago, one of the most prosperous of the Australian colonies held even the Emigration Commissioners of this country in some suspicion—most untruly, most undeservedly, because, though these Commissioners sent out to them labour at a cheaper cost and very often of better quality than they could command themselves, they entertained the belief—or the delusion I should rather call it—that the Commissioners were somehow or other connected with our workhouses, and that they were palming off on the colonies pauper labourers in order to relieve this country. I know that was the feeling on the part of at least one colony in Australia, and it shows how extremely sensitive they have been and are at this moment. As to Victoria, I believe the labour of that colony is about sufficient for its present requirements. I agree with all my noble Friend said on that subject. Your Lordships must remember that the margin is so narrow that if you send out any more labour than is sufficient you produce a glut in the labour market, and you practically derange all their arrangements. A small check in the labour system of Victoria is quite sufficient at this moment to throw everything into confusion, and the Victorian mechanics are keenly alive to this matter; so sensitive, indeed, are they upon this point that various theories of protection have sprung up which I hope good sense, wisdom, and experience will, in course of time dissipate, but which have led them, in more than one instance, to establish organizations for the purpose of preventing the introduction of additional labour. I am not aware that there is any other point on which I should trouble your Lordships; but I was very anxious to say these few words in order to guard against the misapprehension which might arise from what I think was an incautious expression of my noble Friend; for it might lead persons in this country to suppose that the labour market in Australia is capable of receiving any amount of labour we can send it. I believe that would be a very mischievous misapprehension. Therefore, while I readily admit all the difficulties and evils of the present state of things, I agree very much with my noble Friend who spoke from the cross-Benches (Lord Overstone) that these evils are transient, and I feel that the safest remedy to which we can look is the voluntary agency, on which we can count so largely, which has already produced such great results, and is likely to produce more. I am not averse to the Government supplementing these voluntary agencies as far as it can, and giving proper aid and encouragement to the objects they have in view; but I should view with very great doubt any active step taken by the Government in this matter to identify themselves with a movement which I doubt whether they could effectually control or bring to the conclusion which they desired.

Lord REDESDALE said, he would not have spoken a word in the debate if it were not for a remark of the noble Earl, who seemed to think that the system of union rating had tended to diminish pauperism. On the contrary, his own experience was that in rural parishes union rating had tended to increase pauperism, because it had tended to prevent ratepayers from making that exertion which otherwise they would have made to keep persons off the rates. It had also taken away that interest in parochial management which was of so much importance to the well-being of the country.

Lord HOUGHTON, in reply, said, that the interest which their Lordships had taken in the debate justified him in having brought this question under their notice. With regard to what had fallen from the noble Lord on the cross-Benches (Lord Overstone), who always spoke in that House with so much authority, he could not help thinking that his estimate of the accumulated capital of the country, for the last three years at least, was very excessive. After the best judgment which he could give to the subject, the conclusion to which he had come was this—that during the last three years there had been so little accumulation of capital that it was owing to the want of that accumulation the present state of pauperism existed. He feared that the optimism of the noble Lord would be disappointed. He joined in the belief that the inefficient and unwise administration of the Poor Law was at the bottom of a great deal of our pauperism, but did not understand how his noble Friend (Lord Overstone) could hold this opinion and rest content with the existing state of things. He was obliged to re-affirm what the noble Earl opposite (the Earl of Carnarvon) had been pleased to think a misapprehension, that the Australian colonies were in want of a great deal of labour; and that though Victoria might be in less need than others, she still required a great deal. Possibly the noble Earl had formed his opinion on personal experience some years ago; recent information of the best kind was, however, totally at variance with his conclusions, and enforced the belief that even the inefficient labour of Papuan savages and Chinese was welcomed with delight. Agreeing with almost everything which had fallen from the noble Earl at the head of the Colonial Department, he did not think it would be necessary to establish any general system of emigration; but, at the same time, he could not but believe that the emigration of labour from this country, if carried on under strict superintendence, would be most beneficial to the colonies.

House adjourned at half-past Seven o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 16th April, 1869.

MINUTES.]—New Writ Issued—*For* Brecknock Borough, *v.* Howel Gwyn, esq., void Election.

Public Bill—*Committee*—Irish Church [27]—r.p.

ORPHAN PAUPER CHILDREN.

QUESTION.

Mr. RATHBONE said, he wished to ask the President of the Poor Law Board, Whether his attention has been directed to the experiment which the Chorlton Board of Guardians is trying of placing orphan pauper children with families of the working classes; and, whether he would be prepared to sanction the pauper children of towns being removed from the less healthy air of their own parishes and placed, as is done in Scotland, in healthy country districts with industrious peasant families?

Mr. GOSCHEN: Sir, my attention has been called to the experiment which is being tried by the Chorlton Board of Guardians of placing orphan pauper children with families of the working classes. The experiment is being tried not only there, but at other unions, and among them at Evesham, and there has been a correspondence in regard to the system between the Evesham Board of Guardians and the Poor Law Board. It is the intention of the hon. and gallant Member for Evesham (Colonel Bourne) to move for that correspondence, and it will show more clearly than I could in the limits of an answer to a Question the views of the Poor Law Board in regard to that experiment. It is a matter of the most extreme importance. On the one hand, the advantages of the system, if it could be adopted, are very apparent; but, on the other hand, the risks attending it, unless the supervision is most vigorous, and every possible care is taken to see that the children are properly taken care of, are exceedingly great. A very serious responsibility would be incurred if any single case of cruelty to the children should occur. With regard to the second part of the Question, I may say that there are very considerable legal difficulties in the way. There is this difficulty—that the expense of the removal from one union to another cannot now be legally incurred by the guardians; and there is this further difficulty—that the inspection will have to be made by the relieving officer of one board while the children will be chargeable to another union.

WATERLOO AND WHITEHALL RAILWAY.

QUESTION.

Mr. G. GREGORY said, he wished to ask the President of the Board of Trade, Whether his attention has been called to the piling in the river Thames between the Charing Cross Railway and Westminster Bridges; and, whether he can state when it will be removed, or who is responsible for the continuance of it?

Mr. BRIGHT: I believe, Sir, that no Government Department has at present any power to deal with the obstruction. The piles to which the hon. Gentleman has referred are connected with the works of the Waterloo and Whitehall Railway, and the time permitted to that company has been extended to July, 1870. Until that time no one can legally interfere with the piles; but after that date it will be in the power of the Board of Trade and the Conservators of the Thames to take steps for their removal. I presume, therefore, that the matter must be left as it is at present.

METRIC SYSTEM OF WEIGHTS AND MEASURES.—QUESTION.

Mr. J. B. SMITH said, he wished to ask the President of the Board of Trade, Whether his attention has been called to the following facts—namely, that in July, 1864, an Act was passed intituled "An Act to Render Permissive the Use of the Metric System of Weights and Measures;" that, in consequence of a person being summoned before the Magistrates by an Inspector of Weights and Measures for having Metric Weights in his possession, the following Circular, from the Standards Department of the

Board of Trade, dated 19th April, 1867, was addressed to Inspectors of Weights and Measures, namely—

> "I am instructed by the Board of Trade to acquaint you, for the information of the Local Magistrates and Inspectors of Weights and Measures, that, upon a case submitted to the Law Officers of the Crown upon the legal construction of 'The Metric Weights and Measures Act, 1864,' they have given an opinion that a person using Metrical Weights and Measures is liable to have them seized, and to conviction and forfeiture of the weights under the Act 5 & 6 *Will.* IV. c. 63;"

Whether he considers this a satisfactory state of the Law; and, whether he intends to bring in a Bill during the present Session of Parliament to remedy it; or, whether, with a view to settle this question, he proposes to bring in a Bill to establish the Metric system in the place of the existing system of Weights and Measures in the United Kingdom?

Mr. BRIGHT: Mr. Speaker, my hon. Friend may be quite sure that there is only one answer to be given to his first Question—that the state of the law is not satisfactory—for nothing can be more absurd than that a man having in his possession a certain description of weights and measures should be liable to have them seized, although the law intended that he should use them. I am only surprised that my hon. Friend did not take care when the Bill was passing that it was more carefully worded. With regard to the prospect of bringing in a Bill this Session, I may tell him that the Standards Commission have reported in favour of the change which he has so strongly and for so long a time advocated in this House; and I suppose sometime, when the Government or the Board of Trade has a great deal more leisure than at present, possibly a measure on the subject may be introduced. But I do not think there is any prospect that it will be introduced during the present Session.

IRELAND—SLIGO ELECTION.

QUESTION.

Lord CLAUD HAMILTON said, he would beg to ask the First Lord of the Treasury, Whether his attention has been called to the Special Report made by Mr. Justice Keogh on the recent Sligo Election, stating that—

> "A system of intimidation and violence was organized and carried out for months previous to and during the said last Election for the said Borough of Sligo, subversive of freedom of Election, and endangering the lives and properties of the Electors, and that outrages were committed previous to and during said Election, which were calculated to deter, and did in fact deter, Electors from exercising their franchise at said Election;"

and that—

> "it was proved before him that such intimidation was continued in said Borough of Sligo from the time of said Election down to and during the trial of said Election Petition;"

and, whether he does not consider that this Special Report affords a fitting case for the House of Commons to exercise the powers reserved to it by s. 14, 31 & 32 *Vict.* c. 125, and to order an inquiry into the organized and long-continued intimidation thus reported by Mr. Justice Keogh?

Mr. GLADSTONE: Sir, I am very much obliged to my noble Friend for calling my attention to the subject. There can be no doubt at all as to the propriety and the importance of the object which he has in view. The only doubt that exists is as to the language of the law. My right hon. and learned Friend the Attorney General for Ireland has moved for a Commission of Inquiry into the corrupt practices at Sligo, and it is quite evident that it is desirable the law should look upon intimidation as a corrupt practice. As to the sufficiency of the grounds laid down by Mr. Justice Keogh, there is no doubt that his Report affords ample reason for the inquiry. But the House of Commons has no power to proceed except under the terms of the statute, and those terms do not allow us to issue an inquiry into anything but into corrupt practices. We have no power to explain what corrupt practices are; that will be a subject for the Commissioners to consider. But I am informed by my right hon. and learned Friend that in his opinion intimidation ought undoubtedly to be a corrupt practice. There are many other practices, such as personation, which may be considered corrupt practices; and although popularly the name "corrupt practices" attaches only to bribery and treating, yet it is plain that according to common sense these others should be included. But the only position open to us to take up is to say that if it should prove, according to the opinion of competent authorities, that upon the law as it stands corrupt practices do not include intimidation, then undoubtedly they ought to do so.

THE JUDICIAL COMMISSION.

QUESTION.

Mr. SHERRIFF said, he wished to ask the Under Secretary of State for the Home Department, If he can inform the House when the Report of the Judicial Commission will be issued; whether it is intended to be sent out in two parts; and, if so, whether the recommendations of the Commission as to alteration of Assize Districts will be contained in the first or second portion of the Report?

Mr. KNATCHBULL-HUGESSEN said, in reply to the Question of the hon. Member, that he had that evening presented the First Report of the Judicial Commission, from which statement his hon. Friend would doubtless infer that there was another part to follow. The Commissioners declare their opinion that the judicial business of the country ought no longer to be distributed according to the accidental division of counties, but that certain counties should be consolidated in convenient districts, and they also recommended the remodelling of circuits. The details of their scheme were not stated in the present Report, but merely the general grounds upon which they had arrived at their decision.

NATIONAL GALLERY.—QUESTION.

Mr. BREWER said, he wished to ask the First Commissioner of Works, When the National Gallery will be re-opened to the public?

Mr. LAYARD, in reply, said, the Gallery would be open to the public on Monday week.

SALMON FISHERY LAWS.—QUESTION.

Sir HERBERT CROFT said, he wished to ask the Under Secretary of State for the Home Department, Whether he intends to introduce a Bill during the present Session to amend the Salmon Fishery Laws of England?

Mr. KNATCHBULL-HUGESSEN, in reply, said, he had stated to a deputation at the Home Office, early in the present Session, that a Bill would be introduced to amend the Salmon Fishery Laws, and he was anxious still to fulfil that pledge. Having, however, entered upon the subject with an innocent confidence, he found that this approximated to rashness, not only on account of the difficulty of the subject itself, but of the almost irreconcilable differences of opinion existing between those who concurred in desiring to bring about a change. He would do his best, however, to reconcile conflicting views, and still hoped that a measure acceptable to the House might be introduced.

DURHAM COUNTY COURTS.—QUESTION.

Mr. HENDERSON said, he wished to ask the Secretary to the Treasury, If he is aware that two thousand pounds was paid two years ago for a site on which to erect suitable offices for the County Courts in the city of Durham, and that the present premises do not contain the requisite accommodation for transacting the business of the district; and, if he will state when the erection of the new offices is likely to take place?

Mr. AYRTON said, in reply, that he was aware of the sum having been granted, for it appeared in the present Estimates. The building would be commenced as soon as the money was voted, but it would, no doubt, occupy some time in being built.

INCLOSURE OF COMMONS.—QUESTION.

Mr. WALSH said, he would beg to ask the Secretary of State for the Home Department, Whether he will lay upon the Table of the House the terms which the Commissioners of Woods and Forests exact from the commoners in all inclosures where the Crown is Lord of the Manor?

Mr. BRUCE, in reply, said, he was unable to lay upon the table of the House the exact terms which the Commissioners of Woods and Forests exacted from the commoners. They varied so greatly with the circumstances of the commons that it was absolutely impossible to lay down any specific terms which they were in the habit of exacting when measures were made.

IRELAND—CASHEL ELECTION.

QUESTION.

Lord EDWIN HILL-TREVOR said, he rose to ask Mr. Attorney General for Ireland, Whether he intends to take any proceedings upon the Report of Judge Fitzgerald, who, on the 22nd of February last, reported the Election for the City of Cashel void, and that he had reason to believe, from the evidence given before him, that the corrupt practice of bribery did extensively prevail at the said Election for the City of Cashel?

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) said, in reply, that the Report of the learned Judge with regard to the borough of Cashel had not escaped his notice, and it was his intention to give notice respecting the late election as soon as the Minutes of Evidence were laid on the table. He had reason to believe those Minutes would be presented in a very short time.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

LOCAL TAXATION.—QUESTION.

SIR GEORGE JENKINSON said, he would beg to ask the First Lord of the Treasury, Whether, as the Government have granted to Scotland the inquiry which they have denied to the ratepayers of England and Wales, on the subject of local taxation, he will undertake to legislate at once on that subject, so that a remedy for the unequal and unjust mode of levying poor rates under the existing system may take effect during the present Session of Parliament; or, if not, whether he will now grant a Select Committee to inquire into the subject of the unequal incidence of the poor rates in England and Wales, with a view to facilitate a remedy being provided by legislation at the earliest available opportunity? He must, in the first place, express his regret at not being able to comply with the request of the right hon. Gentleman the First Lord of the Treasury, that he would postpone that Motion, and he would assure him that his refusal to comply with the request was made in no spirit of discourtesy towards the right hon. Gentleman, or in any want of respect to the House; but he had consulted a great many Friends in the House, and they had assured him that if he were in that case to establish the precedent of giving way it would be injurious to the interests of the private Members of the House, not only on that occasion, but upon others similar to it. Hon. Gentlemen even on the other side of the House might be glad in future that he had not established that precedent. Were it not for the rule upon which he was now taking his stand, a Prime Minister, supported by an overwhelming majority, might become dictator of the House, and private Members would be unable to enter upon any business whatever except with his permission. The right hon. Gentleman might, however, stop him at any moment by granting that which he asked. He felt unable therefore to give way, but he would not detain the House at any length. The right hon. Gentleman the First Lord of the Treasury had promised that the question of local taxation should be dealt with; but it was difficult to see how this promise could be carried out in a manner satisfactory to those most interested, if the promise made by the right hon. Gentleman the President of the Board of Trade to drag his Colleagues before the bar of public opinion perpetually until he had obtained a remission of £20,000,000 of Customs duties were carried out. If they were to look for a remission of £20,000,000 in the Customs duties to please him—if they were also to obtain a remission of local taxation—which now reached the sum of £11,000,000—and if, in justice to the farmers of England, the duty on malt, now about £7,000,000 more, were to be remitted, those sums altogether would reach to a total of £35,000,000—so that he did not see much chance of that relief to the local taxpayer to which they were entitled. The great towns of England were awakening to the importance of the subject, and one important borough, represented by an hon. Gentleman opposite, was about to take action upon it. The question was, in his opinion, of quite as pressing importance as that of the Irish Church. There was a real grievance in the question of local taxation, while it appeared to him that there was no hardship in the question of the Irish Church.

MR. GLADSTONE said, that the hon. Baronet who had just spoken had laid down the somewhat formidable doctrine that it was desirable to interpose the settlement of the question of local taxation before that of the Irish Church. The hon. Baronet had, however, carried that doctrine into practice in so mild a manner that he could not complain of his having declined to accede to his request that the discussion upon this subject should be postponed till a future occasion. With regard to the immediate purpose of the hon. Baronet, he thought it proceeded upon a misapprehension of the real circumstances of the case. He appeared to think that an inquiry had been granted with regard to the operation of the Poor Laws in Scotland, which had not been granted with regard to England. That was far from being the fact. The Committee which had been appointed for Scotland was a Committee appointed to inquire into the operation of the Poor Laws for the purpose of ascertaining whether any, and if so, what amendments might be made therein. A Committee, with almost identical powers, was granted with regard to England some few years ago upon the recommendation of my right hon. Friend, the Member for Wolverhampton (Mr. Villiers), who was then the President of the Poor Law Board, and that Committee, having inquired into the matter, made a Report, which was laid upon the table of that House, and which had become the basis of subsequent legislation. Therefore, the inquiry which had been recently granted with respect to the Poor Law of Scotland had already been granted and had taken effect as regarded England. The hon. Baronet appeared to desire, not merely an inquiry into the operation of the Poor Law in England, but also an inquiry into the manner in which the rates were raised, which was a totally different matter; as different as an inquiry into our army system would be from an inquiry into the mode of levying taxes out of which the army was supported. The Committee which was sitting to inquire into the operation of the Poor Law in Scotland would act in the main in the same sense, and within the same limitations, as the Committee which was appointed on the recommendation of the right hon. Member for Wolverhampton. He had certainly been given to understand that the Scotch Committee had regarded it as being within their province to investigate some matters connected with the collection of the poor rates in Scotland; but, then, it must be recollected that the system of collection of the poor rates in that country was different from the English system, because in Scotland nearly every man was taxed for the relief of the poor on his whole means and substance, and that circumstance had given an indefiniteness to the law of poor rates which did not exist in the law of this country. However, the principal answer he should give to the hon. Baronet would be to remind him that when the question of local taxation was under discussion at an early period of the Session, the evident desire of many hon. Members was that an inquiry into the subject should be made, not through the medium of a Committee of the House, but through that of a Royal Commission, and that what was undertaken by the right hon. Gentleman the President of the Poor Law Board and by himself, on the part of the Government, was that the whole facts relating to the question should be collected and brought together, and that, as soon as the pressure of other subjects would permit, the Government would be prepared to propose such alteration in the present law relating to local taxation as might appear to them, upon a careful consideration of those facts to be necessary. Those hon. Members who supported the Motion to which he referred had been pleased to express their satisfaction with that declaration, and he believed that it was then generally understood that the engagement entered into by his right hon. Friend was accepted in place of the demand for a Royal Commission. Upon one point there could be no misunderstanding—namely, that no demand had been made for an inquiry by a Committee of that House. Under these circumstances, he must say the Government were of opinion that a Committee of that House to inquire into the mode of collecting the rates in England and Wales should not be granted; and that, undoubtedly, it was not in their power, whatever might be their desire, to legislate at once on the mode in which local taxation was raised in this country.

Mr. NEWDEGATE observed that by his determination to procure an answer from Her Majesty's Government upon this subject the hon. Baronet (Sir George Jenkinson) vindicated the rights of independent Members. After the experience of yesterday, when the great party opposite were held in silence upon a measure, that the Prime Minister had declared to be of the highest importance, he thought it was time that hon. Members, who were opposed to the measure for the disestablishment and disendowment of the Irish Church should remind the Prime Minister that although he had a majority in that House those who sat opposite to him represented the majority of the English people. ["Oh!"] He would only guess from the inarticulate mode in which hon. Members opposite expressed their opinions that they dissented from that statement; but his assertion was based upon figures contained in Returns, which had been made in accordance with the Orders of that House for the purpose of the Reform Bill, and from these figures it appeared, that those, who opposed the Irish Church Bill did represent a considerable, indeed, a large majority of the English people. ["Question."] He hoped hon. Members opposite would not endeavour to silence others, because they were reduced to silence themselves, or it would be necessary for those, who represented the majority of the English people to remind them that this was the people's House of Representatives. The hon. Baronet was justified in the course he had pursued on another ground, which was the inordinate haste of the right hon. Gentleman the Prime Minister in proceeding with the Irish Church Bill—a haste which might betoken anything, even a sense of guilt, and which was peculiarly unusual at this period of the Session, and such as he had never known attempted before during the long period he had sat in that House—this inordinate haste showed, at all events, that the right hon. Gentleman, in order to force forward that measure, was prepared to neglect other business, which was essential to the welfare of the country. The hon. Baronet, therefore, in putting this Question had done well to remind the Prime Minister, that there were other matters, which called for attention, and which the people of England expected would be undertaken *bonâ fide* by that House, if not by Her Majesty's Government, if they were to suppose, that the attention of the latter was totally absorbed by the Irish Church question. It was now clear, from the answer of the Prime Minister, that the incidence of local taxation was not a question, which the Government meant to consider, though that was the very question which was brought forward by the hon. Member for South Devon (Sir Massey Lopes) with so much ability, and to which the answer of the Government they were considering, and would undertake it, was understood to apply. He understood from the language of the right hon. Gentleman that he raised a distinction between the cases of England and Scotland on the ground that in Scotland the local taxation was levied upon the whole means of the ratepayer, and that, therefore, there was a difference between the assessment of the ratepayer in the two countries and the incidence of local taxation in England, was the very point raised by the hon. Member for South Devon. Believing, therefore, that the question of the hon. Baronet had tended to remove a misunderstanding as to what was to be expected from the Government upon this subject, he thought that the hon. Baronet in insisting upon its being answered, had only done his duty, and had rendered a service to the House.

SCOTLAND—PORTPATRICK HARBOUR.

OBSERVATIONS.

MR. W. JOHNSTON said, he rose to call attention to the benefit of promoting a short sea passage between Ireland and Scotland, and the importance of maintaining Portpatrick Harbour in a satisfactory state, and to move for the appointment of a Select Committee to inquire into and report thereon. While he was anxious to meet the wishes of the First Lord of the Treasury, he felt bound, from the importance of the subject, to trespass for a short time upon the attention of the House. It was of great importance to the people of the North of Ireland, and to his constituents among the working classes of Belfast, who desired a short sea passage between Ireland and Scotland. The distance between Portpatrick and Donaghadee was only nineteen miles, and with suitable steamers the passage might be made in an hour and a half. The harbour of Portpatrick had been favourably reported upon by Sir John Rennie, the well-known civil engineer, in his report furnished to the Lords of the Admiralty in 1846. In consequence of a Treasury Minute of 1857, which was very favourable to the route by Donaghadee and Portpatrick, railway communication with those two places had been completed. Since 1856 a sum of £48,000 had been spent on harbour improvements, which would be wholly lost if the harbour were now abandoned. He did not want it adopted as a mail station, but still he hoped the House would not allow it to be disestablished by the sea and disendowed by the

Board of Trade. The advantage of the harbour would be seen in this, that last year a steam-packet company put on a steamer, which ran three times a week between the two harbours in the summer months, and though the steamer was not altogether suitable for the traffic, she carried in that time 8,000 passengers. The company were prepared, should Government give a favourable consideration to the question, to put on superior steamers this year. There were now two breaches in the pier; the outer breach took place in 1857, the inner breach took place in 1858, and it was the inner breach that rendered the harbour dangerous for traffic. It must be repaired if the harbour were to be accessible either for steamers or sailing vessels. A very small sum, from £1,500 to £2,000 would repair it and make the harbour safe. He knew the right hon. Gentleman the President of the Board of Trade had recently visited the place, and he appealed to him not to let this magnificent work of former Governments go to decay. If Portpatrick light were extinguished the result would be great danger to coasting vessels. He trusted that the Government would revoke their decision, and that they would grant the Committee for which he asked.

Lord GARLIES said, that he had been requested to second the Motion for the appointment of a Select Committee to report on this subject; but that he must confess that he did not require much solicitation from anyone, as the re-establishment of this ferry between Great Britain and Ireland had been the day-dream of his life. He represented the county in which this harbour was situated, which was nearer to Ireland than any other county in Great Britain, and that being so, there was a great influx of Irishmen. Now there were two classes of Irishmen—one, for whom he felt no sympathy, whose cry was "Ireland for the Irish;" and the other, for whom he had the deepest sympathy, who, to use their own naïve expression, said—"It is to be a part of England we want." But it might be asked him—"How is Ireland to be made a part of England by maintaining a harbour in the South of Scotland?" Well! it was the prerogative of Scotchmen—or at any rate they assumed it to themselves—to answer one question by asking another; and he (Lord Garlies) would not be an exception to his race upon this occasion further than by repeating himself the same question, and quoting the answer he had himself received. That answer was—"Because you thus encourage the importation into Ireland of British trade, enterprize, industry, skill, and capital." This was, however, an historical question—but he would not refer the House back to the charmed year of 1660—and if he did revert for a moment to the year 1770, it was only to mention that from that year to 1846 the ferry between Portpatrick and Donaghadee was carried on with unsurpassed regularity, and it was discontinued then only because there were no railways down to the water's edge on either side of the Channel. That led to the establishment of the service between Holyhead and Kingstown. Sir Luke Smithett, however, a high authority on this subject, said that, in his opinion, the Portpatrick and Donaghadee route now possessed all the requisites necessary for a complete, efficient, speedy, and safe service if only steamers suitable to the port were placed on the station. The right hon. Gentleman the President of the Board of Trade said—no doubt with truth—that £252,112 had already been spent upon the harbour. Of this large sum, £70,000 had been spent upon new works on the north side since 1856, and it was at the moment of the completion of those works, which would have made the harbour perfect, that a series of unprecedented storms came and made on the south side a breach in the pier which had been erected in 1839. He could not help thinking it was penny-wise and pound-foolish economy, at the moment of completing these works on the north side, to allow the harbour to go to rack and ruin because a small breach had been made on the south side; and he could not help thinking that there had been a prejudice among the authorities against this harbour. The right hon. Gentleman, at the beginning of the Session, was against keeping up the light in this harbour; but he said that, if it were shown to be of utility to passing vessels, it should be maintained. Since then Petitions had been presented from Belfast, from the owners of thirty or forty sailing vessels of that port, and only yesterday a memorial was presented to the President of the Board of Trade from above seventy leading shipowners in Glasgow and

Liverpool in favour of maintaining the light; and as this proof had been given, and the right hon. Gentleman had found there was a prejudice in the one case, they only asked the right hon. Gentleman to consider that there might be a prejudice in the other case, and that they should not be condemned unheard. If, after the Report of the Select Committee, it were still determined to abandon the harbour, they would bow with submission to that decision. One of the leading principles of the Budget was the remission of taxation on locomotion, and he could assure the Chancellor of the Exchequer that the grant of a small sum to repair the harbour of Portpatrick would greatly tend to encourage locomotion. He understood that the First Lord of the Treasury had never seen Ireland, and he would, therefore, advise the right hon. Gentleman to visit that country during the Whitsuntide holiday, making use of this harbour on his way. He might then take the opportunity of selecting the sites, or even laying the foundation stone of some of those lunatic asylums, for which he seemed to have so sympathetic a consideration; and, as a certain portion of public plunder—to use the right hon. Gentleman's own words—was proposed to be applied to secular purposes for the benefit of the Irish people, the right hon. Gentleman might take the opportunity of getting the sanction of Cardinal Cullen to carry away a slice for the benefit of the works of the harbour of Portpatrick, from which the patron saint of Ireland had formerly set out to bless that country. He believed, if that boon were granted, the Irish would be ready to show their gratitude by substituting, as the designation of the harbour, the name of St. William for the name of their patron saint.

Sir JOHN HAY said, that the harbour of Portpatrick had cost the country somewhere about £250,000, and at the present moment, the south pier, on which some years ago a lighthouse was erected, was suffering from a breach caused by a south-west gale. These gales were undermining the tower of the lighthouse, and if the breach was allowed to continue the lighthouse would topple over, and fall across the entrance of the harbour, and effectually close it. He was assured that £1,600 would be sufficient to repair that breach, and remove the lighthouse, and then the new lighthouse which stood a little inland would be sufficient for all practical purposes. He really thought that the harbour which had cost so much, and which was the only available harbour for twenty-eight miles of an iron-bound coast, ought not to be allowed to go to ruin in order to save so trifling an expenditure. The light on the Mull of Galloway was frequently hidden by fogs during south-west gales, and could not be seen even in clear weather, at a distance of seven miles, on account of the formation of the coast. The safety of the coasting vessels depended greatly on the light at Portpatrick harbour, and great injury would result from its being extinguished. He trusted that the right hon. Gentleman the President of the Board of Trade would consent to the appointment of a Committee, or that he would take upon himself the responsibility of ordering the necessary repairs.

Admiral SEYMOUR said, with respect to the question of communication between Ireland and Scotland, there were two beautiful harbours situated respectively near Donaghadee and Portpatrick, and better suited for the purpose. There had been some idea that the light at Portpatrick was no longer to be maintained, but he hoped that that idea was abandoned. He believed that £1,700 would be well expended on the repair of the pier. The harbour and the light were necessary for safe navigation in that quarter.

Mr. AYRTON said, it was much more agreeable to assent to the appointment of a Committee than to refuse it, and the Government would, therefore, assent to that proposed if there were not insuperable objections in the way. The Motion of the hon. Member for Belfast (Mr. W. Johnston) was based on a misunderstanding of the relations of the Government to the harbours in question. The origin of those relations was not that in times past the Government considered it important to keep up that line of communication for the convenience of the inhabitants of Scotland and Ireland, but they arose out of the old system, when the mails were carried by sailing sloops, and when the Post Office thought it necessary to have several ports for the departure and arrival of the mails, so that, if by stress of weather communication with one port was rendered impossible, within twenty-four hours communication might be carried on by means of another port. Among the ports selected were the two of which mention had been made, and the Post Office spent a considerable amount of money on them, not intending to maintain them out of the public revenue, but out of the proceed of the postal charges. This system went on for some time, and, in 1820, the Post Office, desiring to improve the communication by means of the ports in question, brought in a Bill to increase the sea postage between Portpatrick and Donaghadee, and an additional rate of 2*d.* was imposed for a single letter, of 4*d.* for a double letter, and of 6*d.* for a treble letter—or of 8*d.* an ounce. Things went on in this way for years, until a new arrangement for the employment of steamboats was entered into, and a large expenditure was then made. But, in 1847, the mail route between Holyhead and Kingstown was perfected by the completion of the railway to Holyhead, and it was found that it was no longer necessary to maintain a special postal communication between Portpatrick and Donaghadee; they abolished the special rate which had been levied to maintain it, and the uniform rate of 1*d.* over the whole kingdom was substituted. The inhabitants of Ireland derived the greatest benefit from the change, for, instead of paying a large sum in the shape of sea postage between England and Ireland, they had the advantage of the 1*d.* post, and got the sea postage for nothing. When the Government asked whether that communication could not be maintained for some other purpose, they came to the conclusion that the inhabitants of Ireland and Scotland had decided the matter for themselves, because nobody would use this line, or so few as to show that they set no value on it. The answer then given was conclusive—that Belfast and Glasgow had established a complete system of steam communication, and that the commercial interests of the two neighbourhoods were centred in the line of steamboats between Glasgow and Belfast, which had been carried on without the assistance of Government, and which was self-sustaining; the line of communication between Portpatrick and Donaghadee had no commercial importance. These harbours, no doubt, had entailed on the country a very large expenditure; but, if they served no useful purpose, why should the House continue to vote very large sums for purposes which were no longer desirable? From that day to this there had been a disposition to take no further account of these harbours or this line of communication. But, unfortunately, in 1856, a Gentleman, who occupied the position he now held, thought he could resuscitate this line of communication against the decision of a former Government; and he persuaded the Government of the day to enter into arrangements with two railway companies, one in Scotland and another in Ireland, to make branch railways to these ports, promising if they did so, and if an independent company would establish a line of steam communication Government would enter into a contract for the conveyance of the mails at a reasonable sum by this particular route. On the faith of a Treasury Minute companies were encouraged to establish those lines, and expectations were held out that the Post Office would re-open this line of communication. Government was pledged to spend certain sums of money to put Portpatrick harbour in better condition; but, unfortunately, when Government had spent £40,000 or £50,000 to improve Portpatrick harbour it was discovered to be not much better than before, and that money was expended almost in vain. Then came the day of repentance. It was said that successive Governments had acted in bad faith; but, because successive Governments came to different conclusions in a new state of things, it did not follow that they had acted in bad faith. At last it fell to the lot of the late Government to form an opinion as to what should be done to extricate the Crown from the embarrassment caused by the Treasury Minute of 1856. He ventured to think the late Government took a very just view of the case; for, after obtaining all the information they could and examining all the reports made on those harbours, they came to the conclusion—

> "That, partly from changes which have taken place since 1856, in consequence of expediting and improving other means of communication, and partly from the fact that the harbour of Portpatrick, notwithstanding the expenditure of very large sums of public money, has been reported upon by the Board of Trade to be in its present state dangerous and unsuitable for the intended service, it has been found impossible to establish postal service between Portpatrick and Donaghadee as originally contemplated without incurring further and heavy charges to the public in the extension and maintenance of Portpatrick harbour, and the payment of a subsidy for the service."

The deliberate judgment of the late Government in a Treasury Minute, dated June 6, 1868, was given against that line of communication, and he ventured to think that that Government took the course which was wise and becoming. They looked the difficulty in the face, and having resolved not to continue involved in difficulties and perplexities arising out of past improvident transactions, they communicated with the two railway companies who had acted on the faith of the Treasury Minute of 1856, and arranged with them, on the fairest and most reasonable terms they could, for withdrawing altogether from the obligations they had undertaken at that period. They came to a bargain which he thought very fair and just. One railway company—the Belfast and County Down—wanted money, and the Government agreed to lend £166,000 at the low rate of 3½ per cent interest, allowing a term of thirty years for re-payment. The Scotch railway company was not so much in want of money; but, with a full appreciation of its value, they seized both the offer of the loan of £153,000 at 3½ per cent, to be re-paid in thirty-five years by instalments, and £20,000 in hard cash. In consequence of this arrangement an Act was passed last Session to fulfil this agreement. The loans had been granted; the £20,000 had been paid, and really one might now reasonably ask the House whether they had not paid their smart money and were not entitled to wash their hands for ever of Portpatrick and Donaghadee. They had paid enough, and therefore he objected to any kind of proposal which suggested the necessity for further expenditure. The old policy had no foundation whatever now. Two Committees of the House of Commons had recorded the conclusion which the House had adopted—that all the resources of the country should be concentrated in one line of communication between England and Ireland—namely, that between Holyhead and Kingstown; and the House had nobly carried out its resolution, for it had paid no less a sum than £1,545,000 in recent times—he did not go back to the most ancient score—for completing the harbour of Holyhead. It had stood in the Estimates year after year at a heavy charge. The annual sum paid for keeping up the harbour was £2,500. And what was got in return for this enormous expenditure? There were dues from those who used the harbour amounting to £1,493 a year. But that was not all; for Kingstown harbour, since the time when George IV. gave it that name, had cost something like £825,000; and he was sorry to say the first thing he learnt when he entered the Treasury was that the work had not been well done for the money, and in the present Estimates there was a charge of £18,000 for putting it in order. The annual charge for working expenses of Kingstown harbour was £4,202, and the amount of revenue received was so small it was difficult to discover it in the public accounts. In addition to all this, there was a subsidy of £80,000 a year paid to the steamboat company to keep up the postal communication at a very great speed and efficiency. The hon. Member now asked the House, after it had incurred this outlay, to re-open the subject of the harbours of Portpatrick and Donaghadee. His Motion was of a most insidious and dangerous character. If a man went to the Treasury and asked for money for his own purposes they could send the sturdy beggar away; but this Motion was one of a vague and general character, calling attention to—

> "The benefit of promoting a short sea passage between Ireland and Scotland, and the importance of maintaining Portpatrick Harbour in a satisfactory state, and to move for the appointment of a Select Committee to inquire into and report thereon."

But promoted, sustained, and paid for by whom? The hon. Member referred to this branch of the subject quite in a parenthesis and in a low tone of voice, but there could be no doubt that all this was to be done at the expense of the Treasury. But would the House enter upon a general inquiry of this sort, when the only suggestion made was that the object was to be carried out by a grant of public money? Unless the House was prepared to make such a grant, it would only be an illusion to grant the Committee. The Government were very anxious to afford every facility to any persons who would take up Portpatrick harbour, and turn it to account for any public object, and they accordingly wrote to the Commissioners of Supply of the county offering them the harbour for nothing. They wrote back, however, declining to have anything to do with the harbour. The Government also offered the harbour to a Portpatrick and Donaghadee Steam Company, but they rejected the offer. When the inhabitants would not have a harbour when it was offered to them, was it not too bad to call upon the Government to maintain it at the public expense? The Government could not consent to incur this expenditure, and he regretted to be obliged to call upon the House to refuse this Committee.

Mr. PIM said, that the hon. Gentleman the Secretary to the Treasury had spoken of the large expenditure upon the Kingstown harbour as if it had been incurred solely for the sake of the communication between Holyhead and Dublin. That was by no means the case. The fact was it was a harbour of refuge, which accounted for its great cost, and after a gale it would be found filled with vessels which were not from Irish ports only, but also from Liverpool, from Scotland, and from all ports from which vessels passed down the Irish Channel. If the harbour had been required merely for purposes of intercommunication between Holyhead and Dublin, scarcely a tenth of the outlay would have been necessary.

GOVERNMENT REDUCTIONS AND EMIGRATION.—OBSERVATIONS.

Sir JAMES ELPHINSTONE said, he wished to call the attention of the Secretary for War to a Question which he should have brought forward subsequently on the Army Estimates, but that the circumstances were somewhat pressing. The House was no doubt aware that there was at Portsmouth an establishment called the Gun Wharf. The Ordnance Department found guns for the navy, and repaired them when they were out of order. Lord Herbert improved this department, and placed in the Gun Wharf at Portsmouth some of the best machinery. In consequence of the reductions in the Government departments, a large number of the persons employed in the Gun Wharf were discharged, and they were willing to accept the offer of emigration made to them, if they were persuaded that their services would not be again required. They were skilled labourers, and it would be a thousand pities for this country to lose them. There were 113 men discharged, who had belonging to them seventy-six women and 175 children, making altogether 364 individuals who had been reduced to poverty by these reductions. One thing that made them very doubtful whether the Government would not recur to the system that had been given up was the enormous expense incurred under the new system. The guns used to be sent to the Gun Wharf, where there was every facility for repairing them; but now, instead of being repaired by the skilled labourers at Portsmouth, workmen were sent from Woolwich to Portsmouth. The difference in the cost of repairing the pointers to the turret-guns of the *Scorpion* was that at Portsmouth it would have been £8 12*s.* 8*d*, while the expense incurred by sending men from Woolwich was £19 19*s.* 6*d.* Under these circumstances it was difficult to persuade these men that the Government were serious in giving up the Gun Wharf; and he wished to ask the right hon. Gentleman, Whether there was any chance of their being again employed either at Portsmouth or in any other branch where their skill would be available?

Mr. CARDWELL said, that in pursuing the reductions, which a sense of public duty had compelled the Government to carry into effect, it had been necessary to restore the ancient state of things which had existed before the existence of the Portsmouth Gun Wharf in 1862. It appeared that works, such as were carried on there, were found to be better conducted by a single establishment. The hon. and gallant Gentleman was mistaken in supposing that it was more expensive to send workmen from Woolwich to do work of this description. The truth was that the repair of the turret-pointers of the *Scorpion* was exceptional work, and was quite irrespective of the question as between Portsmouth and Woolwich. The Superintendent of the Gun Factory sent these men from Woolwich in consequence of the peculiarity of the work to be done on board the *Scorpion.* The Government desired to alleviate the distress which the reduction of their establishments might cause; and the Admiralty, with the consent of the Treasury, offered these men a passage to Canada. A portion of them accepted the offer; and, certainly, it was not in his power to say anything to induce them to change their minds, or to withdraw from the acceptance of the offer.

Motion, "That Mr. Speaker do now leave the Chair," by leave, *withdrawn.*

Committee *deferred* till *Monday* next.

IRISH CHURCH BILL.—[BILL 27.]

(*Mr. Dodson, Mr. Gladstone, Mr. John Bright, Mr. Chichester Fortescue, Mr. Attorney General for Ireland.*)

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 *ordered* to stand part of the Bill.

Clause 2 (Dissolution of legislative union between Churches of England and Ireland).

MR. DISRAELI: Sir, I had given notice of my intention to propose an Amendment to this clause, but I will not press it on this occasion, because it might lead to a prolonged discussion. The Amendment refers to the date at which this Act is to come into play; the Committee will have numerous opportunities of considering that question, and to attempt to settle it now might lead to a debate of considerable duration, and would divert attention from the point which I am anxious to bring before the Committee. I shall have an opportunity, if necessary, upon the Report, of proposing an alteration of date, if circumstances should justify that course; and therefore I will now proceed, with the permission of the Committee, to move that the 2nd clause of the Bill be altogether omitted. And I am very anxious to ask the serious attention of the Committee and of the Government to this proposition, because I am aware that considerable misconception exists as the character of the Motion. I cannot but hope that—once a clear conception of its meaning has been obtained by the Committee—we may find in it, if not a complete, a very considerable solution of many of the almost inextricable difficulties with which this grave question is surrounded. What I propose by omitting the 2nd clause is this,—that the union created by Act of Parliament between the Churches of England and Ireland shall not be dissolved, but shall be maintained and preserved. Now, what is the character of that union? It has been referred to in the House very frequently, and I think under a misapprehension. Everybody, I imagine, will feel it to be desirable that the Act of Union should not be disturbed, unless disturbance is absolutely necessary for the policy which Her Majesty's Ministers, supported by the majority that voted for the second reading of this Bill, have signified their desire to adopt. If the Committee are of opinion that the policy recommended by Her Majesty's Government is the right policy, and that it can be only accomplished by dissolving the union between the Churches of England and of Ireland, they are fully justified. no doubt, from their view of the case, in proposing an alteration in the terms of that union. But everybody on both sides of the House will probably admit that if you can accomplish the policy which you have before you without meddling with the Union between Great Britain and Ireland, to avoid doing so would be highly desirbale. Whatever may be the opinions which hon. Gentlemen entertain of the various important principles involved in this policy, and of the serious consequences which may result from it, all will agree that it is highly desirable the object in view should be attained without unnecessarily interfering with so important a public document and muniment of title as the Act of Union. I would ask the Committee to consider what is the character of that union so created between the Churches of England and of Ireland. By the 5th Article of the Treaty, and afterwards by the Act of Union, it is provided that there should be a union between the Church of England and the Protestant Episcopal Church of Ireland, and by that union it is secured to the Protestant Episcopal Church of Ireland that there should be identity of doctrine, of worship, of discipline, and of government between the two Churches. I will not say of every hon. Gentleman—but it is true, I think, of the large majority of this House—that they have no objection whatever to these objects. Identity of doctrine, discipline, worship, and government among religious bodies are public benefits; and, if those who are in possession and enjoyment of these blessings or privileges do not request to be deprived of them, I cannot suppose that there is any party of any importance—I should hardly think there is any individual Member of the House—who would feel it his duty, or be anxious to deprive them of these advantages. Identity of doctrine, discipline, worship, and of government, secured by one of the most solemn public acts of the country to the Protestant Episcopal Church of Ireland, are the things of which, by this clause, you propose to deprive that Church. I propose that we should continue them. They are in themselves great benefits; they are believed by those who possess and enjoy them to be great benefits; nobody requests to be deprived of them; and I cannot perceive that it is the interest or desire of any Member of this House to do so. The Committee must clearly understand that, if we preserve our faith inviolate with respect to these solemn engagements, if we determine not to invade the spiritual privileges of a great body of our fellow-citizens, we are at the same time agreeing to nothing which will prevent the Committee from carrying out, if they think fit, the policy of Her Majesty's Government. If we omit this clause, and by omitting it maintain the faith of the country upon this solemn subject, there is no reason whatever why you should not proceed, if you think fit, to disestablish the Irish Church by depriving its prelacy of all Parliamentary representation; to abrogate, if you think proper, all its ecclesiastical courts; and to terminate, if you deem it expedient to do so, all those distinctive features which have been alleged in the course of this debate as reasons for supporting the policy of the Government. I need not impress upon the Committee the great importance of this view, and that it is a just one I gather from the speech of the right hon. Gentleman himself. I understood the right hon. Gentleman to say—and I accept his interpretation—that by the Act of Union between the two countries that which is secured to the Protestant Episcopal Church of Ireland is identity of doctrine, of discipline, of worship, and of government with the Church in this country. I cannot understand how it is that the right hon. Gentleman himself, knowing, as he must, the danger of attempting to alter the Act of Union, and that nothing but a necessity of the first kind could justify a statesman in recommending such a course, does not feel that when the necessity for that course is not clear that course should not be pursued, more especially when by dealing with the 2nd clause of the Act of Union we shall be interfering with the spiritual privileges of a large body of our fellow-countrymen. But there are other grave reasons which lead me to press upon the Committee the wise policy of leaving out the 2nd clause of this Bill. That clause proposes to dissolve the union between the Church of England and the Protestant Episcopal Church of Ireland. The consequences of that union I have already placed before the House, and therefore I will now merely repeat that that union secures to the latter Church identity of doctrine, identity of worship, identity of discipline, and identity of government with the Church of England. Those are not privileges which ought to be grudged to the Protestant Episcopal Church of Ireland by any body of Members in this House, whatever may be their religious creed or their political opinions. Well, but how are identity of doctrine, of worship, of discipline, and of government secured to the Protestant Episcopal Church in Ireland? They are secured to it by the supremacy of the Queen. It is by her authority and by her power that she vindicates the purity and uniformity of doctrine, that she secures decorum of worship, that she enforces in religious matters a salutary discipline, and that she secures to the Church a wise and temperate government. By leaving untouched the supremacy of the Queen you will maintain still between the civil power and the religious a tie which hon. Gentleman on this side of the House—and, indeed, I have reason to believe many hon. Members on the other side of the House—would see entirely severed with no inconsiderable pang. Well, then, if it is a matter, as I believe it to be, of grave importance that we should not unnecessarily alter the Articles of Union, and if—which is also, in my opinion, a matter of equal weight—we can, without offending anyone, without invading any rights, political or religious, and, in order to accomplish ends the most salutary, still maintain the connection between the civil power and religion, I think that is an additional reason why you should hesitate before you reject the proposition I have brought before the Committee. But there is, I will not say a graver, but a scarcely less important reason why I think the Committee should agree to the suggestion which I am now bringing forward. I understand the policy of Her Majesty's Government as laid down in this measure to be, in general terms, the establishment of ecclesiastical equality. Last year we heard much of religious equality, and I then felt it to be my duty to maintain that religious equality was already enjoyed in Ireland fully and completely. The phraseology of the present year, however, is more accurate and more precise, and instead of religious equality we hear of ecclesiastical equality, and I am now about to show the Committee that, if they really wish to attain ecclesiastical equality, they are bound to support me in this Motion. In dealing with this question I feel that great inconvenience arises from the continued confusion—if I may be permitted to use such an expression—that still to a large degree prevails in this House with respect to the two principles of establishment and endowment. Last night the hon. Member for North Warwickshire (Mr. Newdegate) in his elaborate speech summed up his statements and arguments by impressing upon the House his conviction that the policy of Her Majesty's Government must end in the establishment in Ireland of the Roman Catholic religion. Why, Sir, the Roman Catholic religion is already established in Ireland—it is established in Ireland as fully and as completely as any power, human or divine, can establish it. ["Oh, oh!"] It is true that the Roman Catholic religion in Ireland is not endowed—that is a totally distinct question—but, I repeat, the Roman Catholic religion is established in Ireland. During the great debate upon the second reading of this Bill, we were perpetually told that the Protestant Church in Ireland, which it is proposed to disestablish and to disendow by this Bill, need not lose heart—that it should take consolation and courage by looking at the position of the Roman Catholic Church in Ireland; that the Roman Catholic Church in Ireland was in a very satisfactory position, in a very powerful position, and that its existence was the triumph of the voluntary principle in that country. That, however, is not the conclusion at which I have arrived; it would seem to be an entire confusion of ideas that prompted such a statement. Cardinal Cullen is not the creation of the voluntary principle; the powerful hierarchy that pervades Ireland is not the creation of the voluntary principle; the disciplined organized clergy of the Roman Catholic Church in Ireland are not the creation of the voluntary principle—they are the creation of the supreme will of a Sovereign Pontiff; they are entirely independent of the voluntary principle. If you want to establish ecclesiastical equality, if you want to put the Roman Catholic Church of Ireland and the Protestant Episcopalian Church of Ireland upon the same footing of advantage, why is the Protestant Episcopalian Church of Ireland to be deprived of the great advantage of having a supreme head as well as the Roman Catholic Church? I put the case with confidence to the consciences of every candid Roman Catholic Member in this House. I have some faith in the candid conscience even of my opponents, when they are called upon to decide questions like the present. I ask those hon. Members who profess the Roman Catholic religion why they should refuse to their fellow-countrymen the great and undoubted advantages which they admit they derive from their Church being established under the supreme will of a Sovereign Pontiff? I have shown that it is the supremacy of the Queen that is to be destroyed—perhaps not intentionally—by the 2nd clause of this Bill—a supremacy in matters in which I contend it is for the advantage of her Protestant subjects, and not of them alone, that she should exercise supremacy. The same power exists alike in the case of both religions, and is exercised in both cases according to the views of the respective supreme heads, in order to secure purity of doctrine, decorum of worship, salutary discipline, and wise government in their respective Churches. I maintain that so long as His Holiness the Pope possesses Rome—and I am bound to say that I see no reason to assume that there is any prospect of his losing that capital which he has so long possessed—the Roman Catholic religion, in whatever country it may be found, is an established religion, and we shall be labouring under the greatest fallacy if, in an attempt to arrive at a satisfactory settlement of this great question, we regard the Roman Catholic Church in Ireland as a disestablished, or as a non-established Church. Therefore, unless you accede to the suggestion which I am about to make to-night, the first step you will take under your new system of enforcing the establishment of ecclesiastical equality will be to place the Disestablished Protestant Church of Ireland in rivalry with the Established Church of Rome. Believing that there are great benefits in Establishments, I make this effort to call the serious attention of the Committee to the situation in which they are now placed. I most earnestly hope that the Committee will support the proposition which I have to make, and I appeal, not entirely without confidence, to the First Minister himself not to oppose it. I appeal to the right hon. Gentleman to consider this proposition without passion and without prejudice. We know that, in the management of these questions, it is difficult to divest oneself of the heat which naturally arises during their treatment; but I do most earnestly entreat the right hon. Gentleman to accept the proposition I make. It is a proposition that does not interfere with his policy; the omission of the 2nd clause will leave the Committee free to decide upon all the points which are affected by his policy. They may, I repeat it, if they choose, entirely despoil the Irish Protestant Church; they may banish the Bishops from the House of Lords; they may close the ecclesiastical courts; they may terminate every ceremony, every privilege, and every practice which hitherto they have held up to odium, and alleged to be the cause of national jealousy and discontent; but that they may do by maintaining the Union complete, by not disturbing the Articles of one of the most solemn muniments of the kingdom. They may permit the Sovereign of England to maintain her salutary privilege of guarding the doctrine, of vindicating the discipline, of regulating the worship of the Church, and of securing for it a temperate and equitable government—sources, in my mind, of security to the State, and guarantees for the progress and permanence of civilization. I trust, therefore, the Committee will adopt the suggestion I make, and that they will consent, with the support of the Ministry, to the omission of the 2nd clause.

The ATTORNEY GENERAL said, he thought the Committee would have no difficulty in coming to the conclusion that the question raised by the right hon. Gentleman was substantially the question which had been determined by the second reading of the Bill. The right hon. Gentleman conceded that, as the Bill had reached this stage, the Church of Ireland was to be disestablished, and was, at all events, to a certain extent, to be disendowed. He (the Attorney General) ventured to assert as a proposition of law—and he should be surprised if any lawyers on the other side disputed it—that the disestablishment and disendowment of the Irish Church made this clause absolutely necessary. The union of the Churches of England and Ireland was the union of two established Churches. The 5th Article of the Act of Union enacted—

> "That the Churches of England and Ireland, as now by law established, be united into one Protestant Episcopal Church, to be called the 'United Church of England and Ireland.'"

That was to say, the two established Churches were to be united and if one Church was disestablished it was quite clear there was no longer a union of two established Churches. If the proposition of disestablishment contained in the Bill were carried then virtually and by implication; so much of this Article of the Act of Union would in fact be repealed; and surely it was desirable to do directly that which must be done by implication. It was either right or wrong to disestablish the Irish Church; if it was wrong, the Bill ought not to have been read a second time; if it was right, do not let them retreat from the consequences of their decision, do not let them be afraid of expressing the conclusion which must follow. The remaining words of the Article were—

> "And that the doctrine, worship, discipline, and government of the said United Church shall be, and shall remain in full force for ever, as the same are now by law established for the Church of England."

By what right or title did the Legislature force upon the Church certain forms of doctrine, discipline, and government? By the right and title that the Church was established; and, when the Church ceased to be established, Parliament had no right or title to prescribe for it its doctrine, discipline, or government. We did not prescribe doctrine, discipline, or forms of government for our non-established and voluntary bodies; indeed, the fact of their being voluntary was inconsistent with Parliament doing so. What was meant by Establishment was that the State conferred upon the Church certain privileges, and that, in return for these privileges, the Church submitted to certain State control. The main privileges afforded to the Church were these —that the law of the Church was recognized as the law of the land; that the tribunals of the Church were considered to be the tribunals of the Queen; and that the authority of the Executive was lent to these tribunals to enforce their decrees. Further, a certain status was given to ecclesiastical persons; Bishops were recognized as an estate of the realm; and last, but not least, the Church was endowed, to the exclusion of all other religions, with certain portions of public property. These were the privileges of Establishment, and, on the other hand, there were certain disabilities, and among them were these—that the Church was subject to State control; that it submitted to Parliament its doctrine, its discipline, and its government; and it was in consideration of its being an established Church that it submitted to this control. But when it ceased to be an establishment, then it would be most unfair to the Church itself that Parliament should undertake to lay down its doctrines, discipline, and government. Therefore, on every ground it would be quite impossible to maintain this clause of the Act of Union consistently with the disestablishment and disendowment of the Irish Church. Nothing could be added to the arguments urged in debate on this subject, but they had heard a novelty from the right hon. Gentleman, and that was his definition of supremacy. The meaning of the supremacy of the Crown was that the Queen was supreme in all her courts; and the meaning of the Act of Supremacy of Henry VIII. was that whereas appeals formerly went to the Church of Rome, that was prohibited, and no foreign potentate was permitted to have jurisdiction over a cause originating here. The King was supreme in all cases and in all courts; that was the meaning of the word supremacy. That supremacy was not impaired by this Bill, the Queen would still remain supreme in all the courts of the realm. It was true that cases now tried in the ecclesiastical courts would be determined in the temporal courts, but the Queen would be at the head of these courts; and whether cases were tried in the temporal courts or in the ecclesiastical courts, still the Queen was supreme, and the Royal supremacy was altogether untouched. Therefore the definition the right hon. Gentleman had given of supremacy was altogether unfounded and erroneous. If he demurred to the right hon. Gentleman's definition of supremacy he was still more startled by his definition of the term Establishment. We had heard a good deal of levelling up: there had been various propositions for levelling up the three Churches; but he never heard the doctrine carried so far as it was by the declaration that the Roman Catholic Church was an "established" Church in Ireland. What did "Establishment" mean? It meant establishment by the law of the land—the connection of the Church with the State;—but what connection had the Roman Catholic Church with the State, and how was it established by law? It was a mere trifling with language to call the Roman Catholic Church an established Church; in no sense of the word ever before used was it an established Church; and we should never advance in the discussion if new definitions of old terms were to be improvised for the purposes of every clause in Committee. If it was in no sense an establishment, every argument of the right hon. Gentleman founded upon that supposition failed altogether. He had said enough to show that they were substantially discussing again the main question; that, if they disestablished and disendowed the Irish Church, it was absolutely necessary to repeal this Article of the Union; and that, if they did not do so directly, they must do so by necessary implication; and, if it was to be done either directly or by necessary implication, could any man doubt it was far better to do it directly? For these reasons he ventured to hope that the Committee would agree to the clause.

Dr. BALL said, he objected to the assumption that every question was already decided. It might be true that they had determined upon disestablishment and disendowment, but these words were not legal words; they had been first brought into notice in the course of the debates upon the Irish Church; they had no accepted definition; and he dissented from the definitions of the hon. and learned Member who had just spoken. He maintained that the question involved in this 2nd clause had not been decided, and, further, that the Amendment to omit the clause was not necessarily inconsistent with the professed principle and objects of the Bill. He understood the main object of the First Minister of the Crown was the assertion of religious equality; and the retention of the clause of the Act of Union would not prevent such equality. The only Church that would have a right to complain of inequality would be the Protestant Episcopal Church of Ireland, which would be subject to restrictions without having any privileges. Therefore, neither the Presbyterian nor the Roman Catholic Churches had a right to complain if the Episcopal Church in Ireland chose to accept subordination to the Crown in matters of doctrine, worship, discipline, and government. Before repealing the clause in the Act of Union, they should realize its true meaning, and consider whether it was desirable to get rid of the results which followed from that meaning. What was its effect as to doctrine? It pledged the Church of Ireland to adopt the Thirty-nine Articles. What was its effect as to worship? It pledged the Church of Ireland to use the English Prayer Book. What was the effect on its discipline? Subscription and conformity to the Thirty-nine Articles, and obedience from the clergy to the Episcopate. The hon. Gentleman who had last addressed the House had stated that the supremacy of the Crown would not be disturbed, and he had told the House that the definition of supremacy was that the Queen was supreme in all her courts. Now, in that definition he did not concur, for if it were a correct one the Emperor of the French would be the head of the Church in France, for the Emperor was supreme in all his courts. Nor was this the definition given by Blackstone, Coke, or the latest writer on the subject, Chitty—*On the Prerogative;* for, according to these eminent authorities, the Royal supremacy involved the right of the Crown to hold ecclesiastical courts with the right of appeal from them to the Crown. The meaning of the Queen's supremacy was that the Sovereign was the paramount and ultimate tribunal in ecclesiastical causes. Now, how was the Queen's supremacy acknowledged in England and Ireland? In Ireland, under an Act of Henry VIII., she was the supreme Judge in ecclesiastical causes, acting by delegates; in England she was the supreme Judge, acting by the Privy Council. And one remarkable fact that would illustrate her position was, that the Privy Council could make no Order in a cause involving doctrine or discipline—all they could do was to advise Her Majesty that such and such an Order ought to be made, and the Order, when made, was the Order of Her Majesty on the recommendation of the Privy Council. What was meant by the Royal supremacy was, that the Sovereign, as regarded ecclesiastical doctrine and discipline, was the head of the Church and the ultimate tribunal in ecclesiastical causes, acting in one country by delegates, and in the other by the Privy Council. In the case of the delegates, if they decided erroneously, there was an appeal to the Queen, who issued what was called a Court of Review. Now, what the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) proposed did not in the least interfere with the plan which Her Majesty's Government wished to carry out with reference to the Church in Ireland. The Royal supremacy did not place the Bishops in the House of Lords. Their presence there, in connection with the Irish Church, was due to special legislation, and in England they sate in virtue of tenure. Patronage was not involved in it. The appointment of Bishops could be given to a Synod, or other authority, as thought best. The object of the Amendment was to retain the prohibition expressed in the Act of Union, which forbids the Church of Ireland framing a different religion from that of the Church of England; to prevent her from severing herself from the Episcopacy; disregarding the authority of the Thirty-nine Articles, or having a different Prayer Book from that of the Church of England. What they proposed was that the Irish Church should accept the English Church as her model. He was well aware that many persons were of opinion that a free Church had greater advantages than a Church which was placed under the control of the State. He knew that many members of the Church of England were of that opinion, but many others, and, he believed, a majority in England, were not, and they were accordingly anxious that the right hon. Gentleman would place upon the new Irish Church a prohibition which would have the effect of preventing future generations from establishing a religion different from that which was recognized by the Church of England. They were not throwing any suspicion upon the present race of clergymen, who had been educated and brought up in strict conformity with the doctrine and discipline of the Established Church, but they were proposing to erect a barrier which would make it impossible for future generations to establish a wholly different form of religion. Now, what was the operation of the Bill as it stood upon the necessity of adopting the Thirty-nine Articles and the Prayer Book, and upon the obedience of the clergy to their Bishops? All these matters were left free. They were left free matters for the Church to decide upon, and the Church might abandon every one of them if she liked. He might here incidentally mention that, in his opinion, under the 10th clause, if it were retained in its present shape, the appointment of Bishops was not possible. The 10th clause was as follows:—

> "Save as herein-after mentioned, no person shall, after the passing of this Act, be appointed by Her Majesty, or any other person or corporation, to any archbishopric, bishopric, benefice, or cathedral preferment, in or connected with the said Church."

If that clause were left unaltered there could not after a certain time be any Episcopate at all; for the insertion of the words "or any other person" practically amounted to a total prohibition. No Bishop could be made, for there was no other clause in the Bill by which the power of making such an appointment was conferred; and he would here ask the hon. and learned Gentlemen who were advising Her Majesty's Government on this Bill, whether they had any clause which would make it legal for the Irish Bishops to meet and consecrate a Bishop when a vacancy arose? He did not propose to lay much stress upon these points, because if the Bill did not now contain any enabling clauses they could be inserted in the progress of the Bill through Committee. But the Bill did not oblige them to retain Episcopacy at all, for by the 20th clause it was proposed—

> "Subject to any alteration which may be made, after the said *first day of January one thousand eight hundred and seventy-one*, by the members for the time being of the said Church, or their representatives, the present ecclesiastical law of Ireland, and the present articles, doctrines, rites, rules, discipline, and ordinances of the said Church, shall be deemed to be binding on the members for the time being thereof to the same extent and in the same manner in all respects as if such persons had mutually contracted and agreed to abide by and observe the same."

Now, the first words of that clause impliedly gave a license to the Church to make whatever alteration she pleased. They were going to give a certain amount of property to this new Church, and by the same Bill they proposed to give the Church the power of abandoning Episcopacy if they pleased; indeed, if they thought fit, of adopting Presbyterianism. Of course, if that was what was really intended, the issue would be whether the provision was a wise one. The object of the Amendment was not to give that license. He believed that there was no inconsistency between the right hon. Gentleman's plan and what he (Dr. Ball) had asked. He believed that the solid advantages which would accrue would not be attended by offence to anybody. The patronage and right of appointment of Bishops should be regulated by the Church itself. But as to doctrine and discipline, if the Members of the Irish Church desired to submit to what might be a disadvantage to themselves, but which could injure no one else, he was at a loss to understand how any one could be offended. The Roman Catholics chose to select an external Power—the Pope — as their governor in religious matters. The members of the Established Church in Ireland said—"Give us the supremacy of the Queen." How could anyone be injured by a compliance with that demand? Then, again, he asked, was it just to the existing clergy that the Bill should remain as it was now framed? They might be compelled to adopt any new form of religion on the pain of loss of their income. The Protestant Episcopalian Church in Ireland might make a change. The Scotch Church had the very power which the Government by this Bill proposed to give to the Irish Church, and the Scotch Church had changed their Prayer Book. One of the clergy resisted, and ultimately the case came before the House of Lords. There was no jurisdiction, because there was no property in question; but the opinion was expressed that the clergyman was bound to adopt the change. If the Amendment should not be adopted, the Protestant body in Ireland would have power to do what they liked after the day when, in accordance with the provisions of this Bill, all coercive jurisdiction over them would cease. Such power was an implied result of the clause which put an end to the coercive jurisdiction. He contended that what was asked for in the Amendment was not inconsistent with the plan of the Government. In Australia there was no endowment of the Church except out of the Public Worship Fund which was voted by Parliament in the Civil List. In Australia they had formed Synods, exactly as the Government intended that the Protestant Episcopalian Church in Ireland should do; but, in respect of coercive jurisdiction, the Act passed in Victoria by a Parliament returned, he believed, by universal suffrage, and which had to legislate for a colony inhabited by persons of every religious sect, did the very thing which he now asked the Government and the House of Commons to do in this Bill. The Government in Office in the colony when that Act passed was quite as Liberal a Government as that now in Office in England, and the House of Commons which passed it was a Liberal House of Commons. The Act itself resembled the Bill now before the Imperial Parliament in every particular, except that it provided that no regulation or Act should be valid that altered or departed from the authorized standards of the faith, doctrine, and discipline of the United Church of England and Ireland, or of the declarations and subscriptions now by law required to be taken by candidates for Holy Orders. Therefore even the advanced Liberal party in that colony in their Disestablishment Bill did not think it right to do what was proposed by this measure—namely, to trust the Church to the absolute dominion over itself, but bound it to adhere to the Articles, discipline, and doctrine of the Church of England. In Canada the Church by a resolution asserted the Royal Supremacy. Had anyone a right to object to what it was proposed to do by means of the Amendment? If the members of the Protestant Episcopal Church in Ireland said—"Don't bind us; we shall have much more scope if you don't bind us," it would be a different thing. But the Roman Catholics and the Presbyterians certainly would have no reason to complain if Parliament decided that the Protestant Episcopalian Church of Ireland should be bound by the worship, discipline, doctrine, and government of the Church of England? There were other advantages also which would follow from the adoption of the Amendment. He did not want to again enter upon the topics which had been discussed in the debate on the second reading; but he would observe that, regarding the question in a social point of view, he thought that a Church under the control of the Sovereign, and with the Sovereign for its head, and which was obliged to follow standards remarkable for their wisdom and moderation, would be better adapted to a state of society in which there were so many antagonistic and hostile elements than a Church which would have absolute liberty. Therefore, looking at the question as a statesman or as a man of the world, and viewing it independently of the bearing of the decision on the members of the Church, he thought it would be politic of Parliament to keep up the coercive jurisdiction and control to which the Church in Ireland was now subjected. There was also another reason for taking this course. When this Bill came to be worked it would be found that the way in which it proposed to enforce religious obligation or duty was very delusive. The only mode by which it was proposed to enforce it was that provided by Clause 20, which stated that—

> "Subject to any alteration which may be made after the said *first day of January one thousand eight hundred and seventy-one* by the members for the time being of the said Church or their representatives, the present ecclesiastical law of Ireland, and the present articles, doctrines, rites, rules, discipline, and ordinances of the said Church, shall be deemed to be binding on the members for the time being thereof to the same extent and in the same manner in all respects as if such persons had mutually contracted and agreed to abide by and observe the same, and shall be enforced in the temporal courts accordingly." &c.

It would be extremely difficult to give practical effect to this theory of contract in, say, the case of heresy, or that of preaching doctrine contrary to the doctrine of the Church, as also in the case of immorality or impropriety of conduct. If there were property in the case proceedings might be taken. Thus, in the case of the Bishop of Natal against the trustees of the fund for the payment of his income, there was a specific pecuniary obligation, and a consequent jurisdiction. But you could not file a Bill for specific performance to compel a man to preach right doctrine, nor could you bring an action for damages. In the Bishop of Natal's case one Bishop was deprived by another Bishop whom the Queen had appointed by letters patent. The latter Bishop was his Metropolitan, to whom he had sworn the oath of canonical obedience. It appeared on the hearing of the case that the Queen had not power to appoint the Metropolitan, so that the case of coercive authority failed. But the second point was that the suffragan was bound by his oath to the Metropolitan. On this point Lord Westbury said that, though pastoral or spiritual authority might be incidental to the office of a Bishop, coercive jurisdiction in the Church must proceed from the Crown; that deprivation or suspension from office was a matter of coercive, not of spiritual jurisdiction; that the promise of canonical obedience made by the Bishop of Natal to the Bishop of Cape Town, as his Metropolitan, was a purely voluntary one; and that, even if it was intended to confer jurisdiction, it was not legally competent to the Bishop of Natal to exercise, or to the Bishop of Cape Town to accept, any such jurisdiction. Then he would refer the Committee to what was done in America. In New York State every religion was enabled to form corporations with proper rules, and in this manner was brought into connection with the law; but the policy embodied in the Bill now under consideration was that of divorcing every system of religion from all connection with the authority of the law. Those who supported the Amendment asked that their Church might not be launched forward without rudder, captain, or pilot; and he thought he had shown that their demand, as contained in the Amendment, did not involve anything that was unfair towards the members of any other Church. He should certainly be suprised to hear any hon. Gentleman in that House say that his sensibility was, in the slightest degree, wounded by the circumstance that Her Majesty was declared to be supreme over that Church of which she was bound to be a member. If, he might add, the advantages which he had mentioned should follow from assenting to the proposal which he was advocating, while its adoption could do no injury to the feelings or interests of anybody, why should it not be acceded to? Was it not because the right hon. Gentleman at the head of the Government and the President of the Board of Trade had a sort of leaning towards a free Church, governing itself and framing its own articles? As to the Canadian system, he must observe that it was altogether different from the plan of the Government. Into that system, a clause was introduced which enabled those who constituted the governing body to vote and decide by a majority. The effect of the clause was that the majority could bind the minority, but how was the matter dealt with in the present Bill? It was provided that—

> "From and after the passing of this Act there shall be repealed and determined any Act of Parliament, law, or custom whereby the archbishops, bishops, clergy, or laity of the said Church are prohibited from holding assemblies, synods, or conventions, or electing representatives thereto for the purpose of making rules for the well-being and ordering of the said Church."

Now, what did the meeting in synod mean? What power would those Synods possess? By the law of England, Synods had no power to make regulations apart from the Crown. They might have had such power in the primitive Church, and, no doubt, they possessed it in the Oriental countries, and in many of the Continental countries; but in the history of England there was no trace of any independent power in Synods. If anyone disputed that proposition, he would refer him to Coke and Blackstone. The Bill, therefore, while remitting prohibitions, gave no affirmative power, like that which was conferred under the Canadian system. It was also differently framed from the laws which prevailed in the United States and Australia, where the paramount object in view was the same — namely, religious equlity. Under the Bill, as he had said before, the majority were not allowed to bind the minority; but there might be cases in which there would be a majority and a minority, the one choosing Thirty-eight, and the other Thirty-nine Articles, and yet they were to be allowed to exist, without the slightest guide, in a country in which unanimity of opinion was not one of the distinguishing characteristics of the people. That for which he was contending was, after all, an extremely small matter, which would not affect the main principle of the Bill, while it would secure the great and solid advantage of maintaining the Royal supremacy in the position which it ought to occupy. He had simply to observe, in conclusion, that while the Bill would repeal the section of the Act of Union to which he was referring, it was somewhat singular that it would not repeal any of that code of laws which gave her supremacy to the Sovereign. Whether that was done designedly or not he could not say, but certain it was that the Bill would not repeal those express statutes by which, as well as by the Common Law of England, Her Majesty was declared to be head of the Church. It seemed to him that it would not be legal without a further Bill to proceed to consecrate or appoint Bishops after this measure had become law. Under all the circumstances of the case, therefore, the best course to pursue was, he maintained, to retain the clause in the Act of Union, by which means the scheme of the Government might be shaped into a more perfect and consistent plan. But if they were resolved to pass this clause, they ought, at any rate, to introduce some affirmative and enabling clauses as regarded the appointment of Bishops, and also clauses to give the majority in the Church Body power to bind the minority.

SIR ROUNDELL PALMER: I regret very deeply to be obliged to say that I cannot, after having heard such high political and legal authorities as the two right hon. Gentlemen opposite give utterance to such doctrines as those to which we have just listened, with respect to the Royal supremacy, refrain from expressing from those doctrines my entire dissent. They appear to me essentially to have misunderstood some of the very first principles of the constitutional law of this country; and, if such doctrines are brought to bear upon the Irish Church when she is stripped of all her property, and turned out naked upon the world, she will have had no friends more cruel than the right hon. Gentlemen and those who support them. There is no mystification, no transcendental idea connected with the doctrine of the Royal supremacy. It is a doctrine of the first political importance, which no legislation which you can introduce, that does not subject this country to the domination of a foreign Power, can in any manner do away with. It amounts to nothing whatever but this—the independence of the United Kingdom of Great Britain and Ireland, and the absolute supremacy of the temporal government of the Kingdom. Whether that government is vested, as now, in the Queen as its head, or whether even the Constitution were changed into a Republic, would make, in this respect, not the slightest difference—the doctrine is a simple assertion of the country's absolute independence of all foreign jurisdiction. All, therefore, that is said about ecclesiastical supremacy is merely the form of language used by lawyers for the purpose of defining the practical consequences which the general supremacy of the Crown produces on the Established Church. When I hear such doctrines as we have heard laid down as to the Royal supremacy, there appears to me to be something savouring almost of disloyalty in the construction which is put upon the words. Is the Queen, I would ask, not as supreme in Scotland as in England? But in Scotland the Established Church is so constituted that the Queen does not exercise in it any of those special ecclesiastical functions which the law attributes to Her Majesty as the chief governor of the Established Church in England. It is, then, not merely not a necessary element of the supremacy of the Sovereign that special ecclesiastical prerogatives should be vested in the Crown, but there may be cases, as in that of Scotland, in which these special ecclesiastical prerogatives either do not exist or almost entirely disappear. What do those authorities say to which the right hon. Gentleman has referred? Not that there is anything in the religion of the Church of England which requires that she should have a head like the Pope, or that the Queen should be, in a personal sense, the head of the Church. Something of that kind may possibly have been asserted in the days of the tyrant Tudors, but has never been asserted since. The great authorities thus lay down the true doctrine—

> "By the ancient law of this realm, this kingdom of England is an absolute empire and monarchy, consisting of one head, who is the king, and of a body consisting of several members which the law of the land divideth into two parts—the clergy and the laity, both of them next and immediately, under God, subject and bound to the head."

That division results from the temporal dignities and privileges with which the ecclesiastical estate has been endowed by the law of the land, and nothing else.

It is not, then, because we are Christians, or because we are Episcopalians that the Crown has those special prerogatives which it possesses in our Church. It is because the law has given to the Church great legal privileges and authority which have been thought to require corresponding legal regulation and control. It has never entered into the head of any of us to entertain the idea that the Queen is less supreme over members of the Roman Catholic persuasion than over any of her other subjects, or that she can by any possibility be made so; and the meaning of the ecclesiastical supremacy is only that the Church of England, being established by law in a certain manner, becomes subject to the common supremacy, according to the manner and form of that legal establishment. It follows, because, by giving a coercive power to the Church tenets, the Ecclesiastical Law is made, as Lord Coke says, the Queen's Ecclesiastical Law—not because that is a special tenet or doctrine of the Church of England, nor because it is necessary that such a state of things should exist, but because the Church is possessed of certain privileges, authority, and property. The Queen will be quite as supreme over all the Bishops of the Disestablished Church, over all its clergy, and over all its laity, as she is now. They could not by possibility deal with a fraction of the property which they will have as a voluntary Church, or interfere with any rights they may have over one another, and which the law can recognize without going into the Queen's courts to assert those rights. Those courts are of course subject to the Queen's jurisdiction, which may ultimately come to be exercised in the House of Lords, as the highest Court of Appeal; and can anybody for one moment suppose that the Judicial Committee of the Privy Council is, while the House of Lords is not, a religious or ecclesiastical body? The right hon. Gentleman opposite spoke of the personal jurisdiction of the Crown, because, as he said, the Judicial Committee of the Privy Council present their Report to Her Majesty in Council, and she approves it. But this is the form followed in all cases, whether they be ecclesiastical or not, and surely the right hon. Gentleman himself would not go so far as to contend for the personal jurisdiction of the Queen in regard to all the civil affairs of the colonies and other matters which come under the cognizance of the Judicial Committee. In point of fact, it is the law which is supreme. The law will be exercised in a different manner, but it will remain supreme, do what you will. I deprecate as much as the right hon. Gentleman the total disendowment of the Irish Church; but the right hon. Gentleman seems to think it would be a good thing, in the event of the Church being entirely stripped of its property, that it should remain subject to all its disabilities, and be unable to manage its affairs for itself. Now I think that, if you wish to destroy the Church for all purposes, spiritual as well as temporal, you could not suggest a better scheme than to say it must depend on the Queen and on the legislation of this House—for the Queen can do nothing without the legislation of this House—whether the Church shall adapt its machinery to its altered circumstances or not. With regard to the doctrine, discipline, and general principles of the Church as a spiritual body, I desire as much as the right hon. Gentleman to abide by that doctrine and discipline, and those principles. But if, as I believe, the right hon. Gentleman had good authority for saying that such was the mind and will of the Church in Ireland, as soon as ever this Bill passes the opportunity will be given to the members of that Church, both clergy and laity, to meet together and declare that to be their mind and will. And if they make such a declaration, it will henceforth become the law of the community, and it need not be made alterable, by any future Act, unless it be their will and pleasure that it should be so. But one thing would certainly result from the proposal made on the other side. The Disestablished Church would be unable to get the benefit of the assistance of the laity in its councils, because by the present constitution of the Church the laity cannot be introduced in any shape or way whatever into its councils, and without the alteration of that constitution they could not be introduced. The real truth, it seems to me, is this—We shall in substance, if we pass this Bill, alter the Act of Union. We ought to say so if we do it, and I confess it was the last thing I ever expected to hear from the opponents of the Bill that by reserving all the control over the members of the Protestant Episcopal Church in Ireland, while you take away all their political privileges and their property, you will enable yourselves to say—"We still maintain the United Church of England and Ireland intact according to the true intent and meaning of the 5th Article of the Act of Union."

Mr. WALPOLE: Sir, anything which falls from my learned Friend who has just sat down is deserving of every consideration from both sides of the House, and from the country at large; and if I venture to question some of the opinions he has expressed, it is because I think he has overlooked some of the points which are necessary to be taken into consideration. The clause now under discussion involves two propositions. The first is that the union of the Churches of England and Ireland, created by the Act of Union at the commencement of this century, shall be dissolved. The second is that the Church of Ireland, as part of the United Church so created, shall no longer be established by law. With regard to the first proposition, I will not enter into it at any length, however much I feel tempted to do so, because the present argument does not very much turn upon it. The subject which my hon. and learned Friend opposite (Sir Roundell Palmer) has adverted to is the argument addressed to the Committee by my learned Friend the Member for the University of Dublin (Dr. Ball) with reference to the effect which this Bill will have upon that which now exists as a security for the continuance of the powers and duties and obligations now resting upon the United Church in Ireland as well as in England, and so long as they remain under the supremacy of the Crown. The retention of those powers, and the duties and obligations consequent on those powers for the benefit of the laity as well as of the clergy, do not in the least degree apply to any supposed superiority or ascendancy which the Church in Ireland might exercise over other persons in Ireland who were not members of that Church, but they simply and solely endeavour to preserve for the members of the Established Church in Ireland those advantages which are now secured to them, and which ought not to be taken away. Now, what does my learned Friend opposite (Sir Roundell Palmer) say to this? He says that the supremacy of the Crown is simply and solely the power of the Crown, not only over the members of the Established Church but over everybody in this country, to be exercised in the Crown courts. Well; that is a fact which nobody can deny; but I take leave to say that the supremacy of the Crown is not limited in that respect. If I know anything of the history of this country and of Ireland, the supremacy of the Crown has a double aspect. It is a supremacy against a foreign jurisdiction, but it is also a supremacy exercised in this country from the commencement of our history, in order that no ecclesiastical authority should be exercised over the people of this country with regard to the established religion of this country, excepting that which can be exercised through the authority of the Crown. I see that my learned Friend opposite assents to this proposition, but why did he leave out the second branch of the question? Nobody knows better than he does that the supremacy of the Crown within this country, as distinct from the supremacy of the Crown against a foreign jurisdiction, amounts to this—that without the authority of the Crown no Synod or Council of the Church can meet; that without the authority of the Crown no laws passed by any ecclesiastical authority are binding upon the laity; and that without the authority of the Crown no sees can be created and no Bishops appointed. All these matters are involved in the question of the supremacy of the Crown, so far as it affects the religion of the country within the country, but they are distinct from the supremacy of the Crown against any foreign jurisdiction which may be attempted to be brought within this land. Then my hon. and learned Friend (Sir Roundell Palmer) replying to the arguments of the right hon. Gentleman the Member for the University of Dublin said that, without repealing the Act of Union, we could give no security to the laity that they would have a voice concurrently with the ecclesiastical authorities with reference to their own religion. But, I ask, why are you going to take away from the laity the security they possess at present? They possess a security which you cannot deprive them of so long as you preserve the laws of this country relative to the understood supremacy of the Crown in matters of religion. If you rely entirely on some new Church Body, the present security of the laity is or may be entirely taken away from them with regard to the discipline, doctrine, and worship of their Church, and that too without their consent. No doubt it is apprehended that the omission of this clause would interfere with what the Government are so anxious to effect by this Bill, that is to say to remove what they call superiority and ascendancy in that part of the United Church which now exists in Ireland; and supposing they were right in that apprehension, there would be strong reason for retaining the clause. But, in point of fact, the omission of the clause will not affect, in the least degree, the question of superiority and ascendancy as regards the residents in the sister country who are not members of the Church; it will only affect those who are. Why, then, should we take away from the members of the Church in Ireland the advantage they now enjoy, and deprive them of their present security for the continued observance of the form of worship now prescribed for them, and the Articles of Faith which they desire to have continued?

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) said, he should not touch upon the question of the Royal supremacy, because the hon. and learned Member for Richmond (Sir Roundell Palmer) had already disposed of it. [*Laughter.*] At all events, no answer had been given to the hon. Member's lucid exposition of the subject. The right hon. Member for the University of Dublin (Dr. Ball) said the rejection of Clause 2 would be a very small matter, but in reality that clause was the vital portion of the Bill. If that clause were rejected, the Protestant Church would continue to be established by law in Ireland. Did he forget that every Protestant rector in Ireland was a corporation sole, and the only rector of the parish; and did he forget that by the law, as now administered in Ireland under that Church as established by law, a conveyance to the parish priest of a particular parish and his successors would be void in law so far as his successors were concerned. Those were evils brought about by Establishment in that country, and those evils that Bill attempted to grapple with and remove, and to substitute for the Establishment a free and voluntary Church, which could adopt the Thirty-nine Articles and the whole doctrine and ritual of the Church of England if it liked, or modify them if it preferred that course. His right hon. and learned Friend (Dr. Ball) had mistaken the entire scope of that measure. He asked his learned Friend for whom had he spoken that night? Did he speak for the Irish Church? He had misgivings as to his speaking for anybody after what they had heard. His right hon. and learned Friend, on a former occasion, spoke as the representative of a Constituency closely connected with the Irish Church, but his doctrine had been repudiated by his Colleague (Mr. Lefroy); and it would not be surprising if, in the course of that night, some devoted Member of the Irish Church got up and pronounced the opinions of the learned Member for Dublin University not to be those of that Church, and declared that after its destruction as an Establishment it would not submit to the iron tyranny of the Thirty-nine Articles and a connection with the State. ["Oh!"] He believed, from what he had read of the proceedings at the Church Conference, that they would repudiate that control; and while they condemned that Bill as a measure of justice, they would desire, above everything, if it passed, to reserve to themselves freedom of action. But his learned Friend said the Bill would destroy the supremacy of the Crown. Was he not aware that it was the distinct opinion of the great lawyers that the Act, 28 *Henry* VIII., c. 5, which made the King supreme head of the Church, was but a declaratory Act? And would the repeal of the 5th Article of the Act of Union leave the declaratory law of the country less declaratory? That was what the hon. and learned Member for Richmond (Sir Roundell Palmer) pointed out so forcibly, and to which no answer could be given—that that Act, making the King head of the Church, being declaratory, that declaratory law, resting on the Common Law of the country, remained, and the Queen remained supreme head of the Church, do what they would by that Bill. When the case of the Bishop of Natal came before the Privy Council it was then laid down that the Establishment of the United Church of England and Ireland was no part of the Constitution of the colony, nor could that Church claim to be recognized by the law of the colony otherwise than as a mere voluntary association. What would follow from that, according to his learned Friend's argument, but that there was no Royal supremacy in the colonies; that, as the Queen was the supreme head of the Established Church, and as there was no Established Church in the colonies, her supremacy was gone? He left his learned Friend to answer that if he could. Then, his learned Friend said that by Clause 10 they would prevent anybody from appointing a Bishop of the Irish Church in future, but that was not the true construction of the clause. If it were, his right hon. and learned Friend had abandoned his duty to the Church in not putting an Amendment on the Paper to Clause 10? [Dr. Ball was understood to say that he had done so.] He challenged him on that very point, and let him answer him if he could. His learned Friend was too good a lawyer not to know that Clause 10 simply referred to appointments to archbishoprics, bishoprics, or Cathedral preferments and benefices—all words which would never have existed but for an Establishment. The Bill merely left the Church to agree to a form of constitution for itself, and it took away disabilities imposed by the statute law in Ireland. By a peculiar law of old standing in that country, and framed for a particular purpose, no person or body could meet by delegation, and that prohibition would extend to the meeting of the Church in Convocation. It was therefore necessary to wipe that Act from the statute book, in order to enable the Church to meet in synod; and so it could by the Common Law. When the Church became a free and voluntary body, it would have a right to meet and frame its own ordinances, doctrines, and worship. In conclusion, he believed that his learned Friend had not spoken for the Church, and that his criticisms had been answered and would not be repeated.

Dr. BALL said, he hoped the Committee would not think he intruded upon it if he rose again to offer a few remarks. There was no one whose authority would weigh with him more than that of the hon. and learned Member for Richmond (Sir Roundell Palmer); and were he not fortified by authority he would not venture to place his own opinion in competition with his. But as that hon. and learned Gentleman had so very positively asserted that what was termed the Royal supremacy was satisfied by authority and jurisdiction incidentally in the civil courts, he had sent for *Blackstone*, with whom he was content to err, on whose authority he founded himself, and of whose school on that subject, as on other ecclesiastical questions, he professed himself a disciple. He was aware there were persons in the Church of England who asserted that Blackstone had not correct views of Ecclesiastical Law. Now it was his opinion that Blackstone had; and Blackstone was entirely fortified by Lord Coke. But those lawyers who had founded themselves on the canonists and on writers of that character had always impugned the authority of Blackstone in respect to ecclesiastical questions. He held that Blackstone was the very highest constitutional authority; and what, then, did he say, dealing with that question—

> "The King is, lastly, considered by the laws of England as the head and supreme governor of the national Church. To enter into the reasons upon which this Prerogative is founded is matter rather of divinity than of law."

If this Prerogative, as the hon. and learned Member for Richmond had described it, was satisfied by jurisdiction in the civil courts, how was it "matter of divinity." But Blackstone went on to say—

> "I shall, therefore, only observe that by statute 26 *Henry* VIII. c. 1 (reciting that the King's Majesty justfully and rightfully is, and ought to be, the supreme head of the Church of England; and so had been recognized by the clergy of this kingdom in their Convocation) it is enacted, that the King shall be reputed the only supreme head in earth of the Church of England, and shall have, annexed to the Imperial Crown of this realm, as well the title and style thereof, as all jurisdictions, authorities, and commodities, to the said dignity of supreme head of the Church appertaining."

Blackstone next proceeded to tell what was the effect of that common law and statute law prerogative. First he said—

> "In virtue of this authority, the King convenes, prorogues, restrains, regulates, and dissolves all ecclesiastical synods or convocations. This was an inherent Prerogative of the Crown, long before the time of Henry VIII., as appears by the statute 8 *Henry* VI., c. 1."

Then, in the next place, he said—

> "From this prerogative also, of being the head of the Church, arises the King's right of nomina-

tion to vacant bishoprics, and certain other ecclesiastical preferments; which will more properly be considered when we come to treat of the clergy. I shall only here observe that this is now done in consequence of the statute 25 *Henry* VIII., c. 20. As head of the Church, the King is likewise the *dernier ressort* in all ecclesiastical causes; an appeal lying ultimately to him in Chancery from the sentence of every ecclesiastical Judge."

There was no other explanation of the consequences of the Sovereign's headship of the Church but the three given in Blackstone. By the supremacy of the Crown he (Dr. Ball) apprehended was meant headship or governorship, because the word supremacy was an expression taken out of the words "supreme head" in the Act of Henry VIII., and Blackstone said that supremacy gave three things—jurisdiction over Convocation, the nomination to vacant bishoprics, and the last resort in ecclesiastical causes. He knew not from what book the hon. and learned Member for Richmond quoted, but he imagined that it was Hooker. [SIR ROUNDELL PALMER was understood to say from Burn's *Ecclesiastical Law.*] Now, he denied that the Queen was supreme over the Presbyterians. ["Oh!"] He used the term "supreme" in the sense of headship, and he said the Queen was not the head either of the Roman Catholic or the Presbyterian Churches; and when the hon. and learned Member opposite said she was supreme in Scotland he forgot that William III. himself passed an Act of Parliament declaring that that supremacy was at an end in Scotland, and it was in that Act declared that the supremacy of the Crown was inconsistent with the rights of the Presbyterian Church of Scotland. That was the first Act of William and Mary. The position of the Roman Catholic Church would illustrate what he meant. The Queen could not dictate to a Roman Catholic Bishop or interfere with him in the management of his Church. If a difference occurred between a Roman Catholic priest and his Bishop, the matter must come before the Queen's courts as connected with property, not as connected with doctrine. If a Roman Catholic priest was condemned for preaching heretical doctrine, could he appeal from his Bishop to the Queen's courts? Not at all. But if it happened that property was involved, then the Court tried as an incidental circumstance whether he had conformed or not to the rules of the Church of which he was a member. But with regard to the Church of England, the Queen was the supreme head of the Church, and was declared by the 26 *Henry* VIII. to have annexed to the Imperial Crown "all jurisdictions, authorities, and commodities" to the said dignity appertaining. A question between a Bishop and a clergyman of the Church of England must be decided by the Sovereign as the last and ultimate tribunal. Now he came to another challenge, which had been given him by his right hon. Friend (Mr. Sullivan), in regard to the 10th clause. Now, he had before said to his right hon. Friend that probably his meaning was as he stated, but he (Dr. Ball) thought the word "bishopric" was wide enough to prevent the nomination of any person as Bishop.

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) said, the right hon. Gentleman had no Amendment on the Paper to the clause on the point raised.

DR. BALL said, he had an Amendment, not in his own name, but in that of the right hon. Member for Buckinghamshire. By their Amendments, they put off the prohibition until January, 1872. It was necessary to provide for the intermediate period. There was one clause proposed for that purpose, enabling Her Majesty to appoint Bishops, and another Amendment would authorize the constitution of an Episcopate in synod after the intermediate period had expired. His right hon. Friend the Member for Buckinghamshire (Mr. Disraeli) had given notice of an Amendment to substitute 1872 for 1871. The effect of that Amendment would be that till the 1st of January, 1872, the Bishops in Ireland might recommend to Her Majesty a person for appointment as Bishop. In that way the date of the Bill's coming into operation would be put back, and they proposed to add a subsequent clause, enabling the Church to meet in synod and pass resolutions for its government. Therefore, they first took away objection by confining the clause to a limited period, and then they would establish a power to constitute an Episcopate.

SIR ROUNDELL PALMER said, he thought the principle involved in this discussion one of such extreme importance that they were justified in availing themselves of the privilege they possessed in Committee of speaking more than once. He had no quarrel with the passages from Blackstone quoted by the right hon. Gentleman, and had nothing to say to them, excepting this — that Blackstone said this supremacy was a matter that depended upon divinity rather than on law, and he (Sir Roundell Palmer) thought Blackstone a greater authority on law than on divinity. If they wanted to see how the matter was regarded in divinity, they could not do better than look to one of the Thirty-nine Articles—namely, the thirty-seventh—that Article said—

> "The Queen's Majesty hath the chief power in this Realm of England and other her Dominions, unto whom the chief Government of all Estates of this Realm, whether they be Ecclesiastical or Civil, in all causes doth appertain, and is not, nor ought to be, subject to any foreign Jurisdiction.
>
> "Where we attribute to the Queen's Majesty the chief Government, by which Titles we understand the minds of some slanderous folks to be offended, we give not to our Princes the ministering either of God's Word, or of the Sacraments, but that only prerogative which we see to have been given always to all godly Princes in holy Scriptures by God himself — that is, that they should rule all states and degrees committed to their charge by God, whether they be Ecclesiastical or Temporal, and restrain with the civil sword the stubborn and evil-doers."

There was no mysticism, no transcendentalism in that. There was no idea of a proper spiritual as distinguished from a proper temporal jurisdiction. It was an undivided temporal supremacy over all estates and degrees of men in the realm. And then with regard to the title of supreme head, they did not stand on titles; but, if he did not greatly mistake, the particular part of the Henry VIII. legislation, as to that title, was not re-enacted under Elizabeth, in order to avoid that very confusion of ideas which the Article he had quoted was intended to exclude. And with great deference to his right hon. Friend the Member for Cambridge University (Mr. Walpole) he (Sir Roundell Palmer) had dealt with both the affirmative and the negative supremacy. The negative related to the jurisdiction of foreign princes; the affirmative asserted the home jurisdiction over all estates of men in the civil courts and in the ecclesiastical courts. When you had an Established Church it did not necessarily, but it did naturally follow that the Queen should have a special prerogative with reference to that Church, and then it was called by the name of the Queen's ecclesiastical supremacy. But when the Church was disestablished, they got rid of those things out of which this special supremacy arose; and to maintain the name after they had got rid of the thing could answer no useful purpose, religious or temporal. The supremacy of the Crown would apply to the members of a disestablished Church as well as to the members of an established Church, only that in the one case it would not be exercised in the same manner with regard to Synods, Bishops, and the like, with which it was not expedient that the Queen should interfere unless the Church had a legal establishment.

Mr. GRAVES said, he wished to recall the House from the legal and technical argument into which they had wandered to the common-sense issue involved in the clause. As he understood it, the question was whether an integral portion of this kingdom was for the future to be without an established religion. He was not surprised that there should have been some confusion about this question, considering that it was only within the last year that the idea of disestablishment had been originated in that House. Nay, more, he would say that though the Irish Church question had been before the country for years, no statesman had ever ventured to breath the word "disestablishment" in connection with it until the right hon. Gentleman last year proposed to disestablish and disendow. He (Mr. Graves) had not been long in that House, but he remembered well when this subject was first brought under the consideration of the House by the hon. Member for Kilkenny (Sir John Gray), and the tones of moderation in which that hon. Gentleman asked for inquiry; but he never used the word "disestablishment," nor in the debate that followed was the word to be found. He believed he was correct in stating that the hon. Gentleman was acting as the organ of an association formed within a very few years for the redress of Irish wrongs. He held in his hands the rules of the National Association of Ireland, and the first rule set forth the principles upon which the association was founded. The objects were, first, to secure by law to occupiers of land in Ireland compensation for all valuable improvements; secondly, the disendowment of the Irish Protestant Church—the House would mark there was no mention there of disestablishment—and the application of its revenues to purposes of national utility, saving all vested rights. The third object was freedom of education for the several denominations and classes in Ireland. With regard to the question of supremacy, he was inclined to agree with the hon. and learned Member for Richmond (Sir Roundell Palmer) that, looking to the interest of the Church, if they suffered it to be disestablished they should not desire to obliterate this clause; but, at present, they were not prepared to admit that, looking to the interest of the State, the Church should be disestablished. When the Church, within the last month or two, asked permission to defend itself in Convocation what answer did it receive; Such an answer as would not be given to a criminal placed on his trial. Its voice was absolutely stifled by refusing to it the power of meeting. That incident was a strong illustration of supremacy. No doubt State reasons dictated the course that was pursued, but it showed that supremacy was now practically exercised; and might not State reasons of equal weight again require an exercise of such authority? The constituency he represented—perhaps the largest in the country (Liverpool)—had considered the question, and declared that disendowment, a mere matter of pounds, shillings, and pence, was only an interference with the rights of property, but that on no consideration should the Church be severed from the State in any portion of the United Kingdom. In no class had he found this opinion so strongly held as among the working class. The question of endowment was a matter of conscience, historical as well as individual conscience, affecting only material rights and obligations, and he would make the best fight he could for it; but for the maintenance of the connection between the Church and the State he would stand firm in the name of those hundreds and thousands who had sent him as their representative to this House. Having some little knowledge of Ireland, he would remark that there, as here, society had no higher bonds than religion, and that the Establishment in that country, as in this, was but the outward recognition of the belief that there are blessings and advantages consequent on the connection of the Church with the State. The Irish were characterized in an especial manner by natural piety, yet theirs was the country which had been chosen to make the experiment of a State without a religion. He firmly believed that when the heat of this struggle had passed away, Ireland, smarting under the charge that she alone was godless, and finding that she alone was without that which gave weight and dignity to a nation, would demand national religious equality in the shape of the disestablishment of the Churches in England and Scotland, or that the religion of the majority should be made the religion of the State in Ireland. He did not envy the statesman who would have to meet that demand, after the arguments which, night after night, have been used for the disestablishment of the Church in Ireland; nor did he envy the present Prime Minister the bitter reproaches that would be cast upon him through the length and breadth of the land when it would clearly be seen that he had been the means of doing away with what he (Mr. Graves) looked upon as one of the most glorious—if not the most glorious—parts of the Constitution of this country. ["Oh, oh!"] He was brought up to believe it so; and until last year no person in that House doubted it. He, however, trusted that such a violation of one of our most cherished institutions might, at least, not be productive of the evil consequences that he feared would result if the clause of the Bill before the Committee were permitted to pass.

MR. CANDLISH said, he should have inferred from the speech of the hon. Member who had just sat down, but for his declaration to the contrary, that he was about to support the Government, because in the early part of his speech he declared that as the law stood the Convocation of the Church of Ireland—the *élite* of the Church—had not the privilege enjoyed by criminals in our courts. But, from a later remark, it appeared the hon. Member would continue to deprive the dignitaries of the Church of Ireland of the privilege conceded to our criminals, and he (Mr. Candlish) discovered the reason in the opinion the hon. Member expressed that there was no godliness outside the Established Church. ["No, no!"] Yes, yes! The hon. Member would preserve the Church Establishment in Ireland in order that he might maintain the godly character of the country! and so the hon. Member was shut up in this dilemma—he must inflict hardship upon the dignitaries of the Church in Ireland in order to maintain the godliness he desiderated, or he must sacrifice the godliness in order to get rid of the bondage he detested. But in reality there was no such necessity and no such dilemma, for the Nonconforming bodies of that country were not devoid of the godliness the hon. Member so much desired. It would have been well if those who argued against this clause, on the ground of its being needful to maintain the supremacy of the Queen, had shown how that supremacy arose and why it should be continued—if they had shown that in the origin, constitution of, or necessity for a Church there was any idea whatever of the supremacy of the civil governor. According to his idea of the Church of Christ, its origin was heavenly and divine, and there was nothing which rendered it necessary that the Head of that Church should be represented by the civil governor. And if there was nothing in the nature and constitution of the Church that required the civil governor to control her, neither was there anything in the objects and necessities of civil government that required the ruler to preside in the Church. But then the Royal supremacy was defended on another ground—that it secured identity of doctrine, worship, discipline, and government. He contended that it did not secure identity of doctrine; for it was notorious that the utmost diversity of doctrine prevailed in the Church of England notwithstanding the supremacy of the Queen. He concurred with the right hon. and learned Member for the University of Dublin (Dr. Ball) that it was an exceedingly difficult thing to determine points of doctrine; and that was a strong argument for that House having nothing to do in determining what doctrines should prevail in the free Church of Ireland. He thought that in this measure they were conferring a privilege upon the Church in Ireland, by giving her members freedom of worship — a freedom which he claimed for himself, and which was the birthright of every freeman—together with the opportunity of determining her own doctrine and discipline. As to upholding the Established Church for the sake of preserving the connection between the civil power and religion, that connection would exist just in proportion to the personal religion of the members of the civil community. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) told them that the Roman Catholic Church in Ireland was in effect an established Church. From the right hon. Gentleman's point of view he (Mr. Candlish) should have considered that to be an argument in favour of severing the connection between the Church and the State in Ireland; because, if the Roman Catholic Church, being wholly unconnected with the State, was an established Church, the Protestant Church would still be an established Church, even though it were severed from the State—unless, indeed, it were contended that it was necessary to have a civil governor as the supreme head of an established Church. But, if the Pope ceased to be a civil governor, he would still be the head of the Roman Catholic Church. If the Church were divine in its origin, it was not dependent on legislation, and would exist in spite of it; and, he believed, that the Irish Church, if left to the free operation of the great and mighty principles on which it was founded, and the truths which it taught, its power to move and control the heart of man would be vastly augmented, and the Church itself would be greatly blessed by the measure which the Government had submitted to the House.

Mr. ASSHETON CROSS said, it appeared to him that the arguments which they had heard from the Ministerial side of the House that night applied as much to the Church of England as to that of Ireland. He agreed with the hon. Member for Liverpool (Mr. Graves) that they were not there to discuss nice legal questions, but a great practical question; and he must say he believed that this was the clause of the Bill which the people of this country—he could certainly say the people of Lancashire—thought more about than any other in the whole Bill, because it was felt that though it would be unjust, unwise, and impolitic to take away property which the Church had enjoyed so long, yet it was merely a matter of money, and the zeal and generosity of the members of the Church might, in a generation or two, make up what was lost; but by disestablishment they took away the very birthright of the Church, and deprived her of what it was out of her power to replace. This clause was therefore a matter of principle. He ventured to say that their Roman Catholic brethren had shown them an example which they would do well to imitate. The Roman Catholic body had worked long, patiently, and boldly to defend their rights and get a footing in this country. They had laboured for what they believed to be the truth, and they were now accomplishing the first object; and they would never rest until they had secured for their religion that position of supremacy in the State which it had formerly held in this kingdom. He did not blame them for that, but he wanted the people who belonged to the Church of England to stand up in the same way for their religion. He believed that the Church of England came nearer to Apostolic and Gospel truth than any Church in the world, and he therefore wished to uphold that Church, not only in England but in Ireland. His authority was the book written some years ago by the right hon. Gentleman at the head of the Government. Nothing would induce him to cast aspersions upon the right hon. Gentleman because he had changed his mind. He (Mr. Cross) had read that book long ago, and was then firmly convinced of the truth of the arguments it contained; and he (Mr. Cross) must say that nothing he had since heard or seen could convince him that his arguments were wrong. He should therefore stand by the book the right hon. Gentleman had written, and the arguments he had then used. Admitting that there was a State necessity for making some alterations in the condition of the Church of Ireland, he believed that those alterations could be made without interfering with what the Protestant Episcopalians of Ireland believed to be the rights of their Church. They were entitled to demand, not as a favour but as a right, 'that they should be allowed to contine what they believed to be essential and proper for the exercise of their religion—its connection with the State by means of the supremacy of the Crown. By passing this clause the Committee would in effect be trampling upon their rights—insulting and injuring them most seriously. He believed in his heart that there had been, even since the recent election, a very great change on the subject in the public mind. He knew it personally as regarded one part of the country at all events. He heartily wished that through some chance or another there might be another General Election, because he was quite sure, that the longer this matter was debated and kept before the country, the stronger would become the feeling of the public against the measure. He ventured to say that a question of this enormous magnitude could not be settled in an hour, nor even a month. Even if this Bill were passed it could not be a final measure, because it would be felt as a grievous wrong by Protestants, and they, like the Roman Catholics, could fight long for what they believed to be their liberties. A good deal had been said about the supremacy of the Crown, or, in other words, the connection between the Crown and the Church in Ireland, he would simply remind them that from the year 1845 to 1865, only four Petitions had been presented on the subject of the Irish Church. Therefore it might with truth be said that the supremacy of the Crown had not then been felt in Ireland as a grievance. They might succeed in disestablishing the Irish Church, but they could not destroy it. They would, however, create this state of things. They would have the Church still in close connection with the State in this country, and with the free Church in Ireland. What would be the consequences ? They knew that they had no moral right to alter the constitution and laws of the Church without consulting Convocation. By its ancient constitution the Church had a right to be heard in Convocation. Convocation in this country might say they would act with the Church in Ireland, which was one with them, and might refuse to assent to any alterations proposed, and such a state of things might produce a collision between the Church and the State, the consequences of which might be far more serious than they anticipated. He contended that it was not necessary to carry this clause in order to effect the objects of the promoters of the Bill, and his side of the House had therefore a right to warn them against going any further with this clause, the adoption of which would deprive the Protestant Episcopalians in Ireland of what they believed to be essential to the proper exercise of their religion, which they wished to preserve without interfering in the least with the religious freedom of other people.

Mr. PIM said, that one of the arguments urged against disestablishment was, that though connection with the State might not be good for the Church, it was certainly good for the State; and therefore that it ought to be maintained. Now, that was an argument which, above all others, it was dangerous to introduce. He believed that nothing had, during the last 200 years, caused so much injury to the Church of Ireland as her employment as a State engine. The right hon. Gentleman (Dr. Ball) said that the members of the Irish Church were in favour of the connection with the State. Now, he was not a Member of the Irish Church; but, in conversing with some of those who belonged to it, he found they said—"Well, if we are disestablished and disendowed, we shall, at all events, have freedom and independence, with the management of our own affairs." It would, indeed, be a serious blow to the Church if you take from her the endowments and deprived her of the dignity of an Establishment, and still leave her under the control and authority of the Crown—that is to say, of the Minister of the day. Such a *quasi* Establishment, without freedom, without the power of managing her own affairs, would be the most fatal thing that the House could do in respect to the Church. When the Church was disendowed, the laity must be admitted to a large share in its management; for the necessary funds could not be raised under the voluntary system, if the present constitution of the Church were maintained, and everything was in the hands of the clergy.

Mr. BENTINCK said, he thought that one point had escaped the observation of the hon. and learned Members who had spoken earlier in the evening. The 22nd clause of the Bill constituted the new representative body of the Church; but if Clause 2 were maintained, how could you be certain that this Church Body would be able to reorganize itself? They had lately seen what had happened in a Church conference held in Dublin. Suppose the heads of the Church declined to form the organization contemplated by the Bill, what was to become of the poor members of Church congregations? Unless there was a legislative enactment which put the Church of Ireland in communion with that of England, and under the same authority, the heads of the Church might refuse all endowments, and thus the rights of all who were not represented in such an assembly would be totally sacrificed. He had always held that a Church Establishment was the true security for religious liberty. In Wales, for instance, Dissenters were predominant. They were split up into a number of congregations; no man could be a member unless he paid money; and at any time a member might be turned into the street—a power which he believed had been exercised to a great extent during the recent elections; because, though they professed Liberal sentiments, yet when a man was found voting against the majority of the congregation, he was put out of the chapel and sent to Coventry. In fact, quite as great tyranny was exercised among the Dissenters in Wales as was exercised by the chiefs of the Roman Catholic Church. At present, the Dissenter, if expelled from his chapel, had the parish church to go to. That Church was not a proselytizing Church. It was a missionary Church, and would receive anyone. [*Laughter.*] Therefore, he came back to the principle he started with — a Church Establishment is our best security for religious liberty. He repeated this, notwithstanding the laughter of the hon. Member for Limerick county (Mr. Synan). He had watched the hon. Member last night during the unseemly disturbance which took place on the other side of the House; and he must express his surprise that the right hon. Gentleman who commanded so large a majority in this House was unable to maintain his Followers in better order. It was proposed by the last words of the clause that the Church of Ireland should cease to be established by law. The right hon. Gentleman the First Lord of the Treasury in his speeches had made some considerable historical blunders. What were his arguments on historical grounds for the disestablishment of the Church? They were three. First, the right hon. Gentleman had stated that, in 1644, Charles I. professed willingness to accept the *status quo* at the time when the Roman Catholics were in possession of a large portion of the Church property. The fact was that, in 1641, a serious rebellion broke out, which commenced with the massacre of every Protestant the Roman Catholics could lay their hands on, and the result was the rebel Celts became possessed of property, whether belonging to the Church or private individuals he had no means of ascertaining. In 1644, the King's affairs fell into a desperate condition, and he submitted to a suspension of arms with the Irish rebels for a year. The exact terms of that suspension, so far as he could ascertain, after consulting every authority, were not known, but so it was that the King came to an agreement with the Roman Catholics, and he was violently attacked in the House of Lords and Commons in this country for that proceeding. The King was consequently obliged to repudiate the arrangement. In 1645, the Irish leaders broke all their engagements with the Royal Commissioners, forbade payment of taxes, and gave absolute powers of government, both in secular and ecclesiastical affairs, to the Papal Nuncio, who immediately excommunicated, not only his opponents, but even his own partizans if they opposed him. In his next statement the right hon. Gentleman came down to the time of William III., and declared that Sir Charles Wogan, described by him as a person intimately connected with those who gave direct evidence in the case, said, in writing to Dean Swift, that, before the battle of Aughrim (1691), King William had offered Tyrconnel that the Roman Catholics should enjoy the free exercise of their religion, half the churches, half the employments, civil and military, and even a moiety of their ancient property. What were the facts? Sir Charles Wogan was a Roman Catholic Jacobite, and was, besides, a very flighty and crackbrained sort of gentleman, but what was more important was that this letter to Dean Swift was not written till forty years after the alleged events; further, the writer said that he regretted the Royalists in Ireland had not accepted the offers made to Tyrconnel by William III., but he never stated that those proposals were put in a regular form. The fact appeared to be that King William, being apprehensive of the rebellion in Ireland, had engaged Colonel Hamilton to correspond with Tyrconnel, but what offers he made no one knew. What, however, did William III. do himself? At the very time he was supposed to be so anxious to give the property to the Roman Catholics in Ireland, he was passing an Act for removing Papists and reputed Papists ten miles from London, and on first landing in Ireland, in 1690, he published a declaration threatening condign punishment to all the desperate leaders of the rebellion, who had violated those laws by which the kingdom of Ireland was united and inseparably annexed to the Imperial Crown of England, and who had called in the French and committed all manner of violences and depredations against the Protestants of that country. The right hon. Gentleman also said, last night, that it was certain that the power and influence of the Roman Catholic Church in Ireland was excessive, beyond what it was in other Roman Catholic countries, and he attributed that circumstance to the policy pursued by this country. The right hon. Gentleman added that that very fact justified the proposed disestablishment. Now, to his mind, the policy pursued by this country appeared to be entirely different from that stated by the right hon. Gentleman, because the policy of the party which the right hon. Gentleman represented now had always been, since the Reform Act of 1832, to sacrifice to the utmost of their power the interests of the Irish Church for political purposes; and, if their efforts had not been checked by the action of the party opposed to them, the Irish Church would have been disestablished and disendowed long ago. Soon after the first Reform Bill, the Whigs, finding themselves in a difficulty, did what the party opposite did last year—they assailed the Irish Church; but they could do little with it, for agrarian crimes, murders, and all sorts of outrages followed. They made an alliance with the Ultramontane Roman Catholics, with Mr. O'Connell and his tail, and with the Scotch Radicals, in order to raise a party to defeat and humiliate the representatives of England. But that was all of no avail, for after a short period Mr. O'Connell wrote a letter to Lord Duncannon, then Secretary to the Lord Lieutenant, of which this was an extract—

> "Never was there a more ungenial or hostile Administration in Ireland than that which has subsisted since Earl Grey first obtained office, and still subsists. I am ready to give a detail of the follies, the faults, and the crimes of the Whigs in Ireland. I will not set down ought in malice, but

will give a full and unexaggerated detail of the principal acts of 'folly, fatuity, and crime' committed against the people of Ireland since November, 1830. I write more in sorrow than in anger, more in regret than in hostility. It is true you have bitterly deceived me, bitterly and cruelly deceived Ireland. But we should have known you better. You belong to the Whigs, and, after the most emaciating experience, we ought to have known that Ireland had nothing to expect from the Whigs but insolent contempt and malignant and treacherous hostility."

That was precisely the policy of the right hon. Gentleman. He had allowed Fenian meetings to be held without interruption; and, more than that, he had constituted the Chief Secretary for Ireland into a kind of Brummagem Lord Normanby. It would be remembered that that Nobleman let out of prison the worst possible characters, and that was just the policy the present Prime Minister was favouring. He ventured to prophesy that the right hon. Gentleman's so-called Liberal remedies for Ireland would be similar to those described in the letter to Lord Duncannon — Coercion Bills, Arms Bills, and suspensions of the Habeas Corpus. He might disendow and disestablish the Church of Ireland —an institution which no hon. Gentleman on the other side could say had not exercised a beneficial effect in Ireland. But the substitute which would become necessary would be an increased force of soldiers and police.

Mr. MONK said, he would not follow the hon. and learned Member for Whitehaven (Mr. Bentinck) in the hypothetical case which he had put. Sufficient to the day was the evil thereof. When the clause to which he referred came before the Committee he should be ready to consider the effect of it. The hon. and learned Gentleman had said little or nothing about the clause now before the Committee. He (Mr. Monk) agreed with the hon. Member for South-west Lancashire (Mr. Cross) that this clause contained the kernel and principle of the whole Bill. If that clause were not carried, the whole Bill would fall to the ground. This was not only a question of principle, but of law, and as such they were now considering it. He would tell the hon. Member for South-west Lancashire that if there was any change of feeling in that county since the election, it was in favour of the Bill. The hon. Gentleman referred to the supremacy of the Crown, but he omitted to state on what rests the Prerogative of the Crown to nominate to bishoprics and other Church preferment. Did it rest on the Divine right of kings? Certainly not, but on the statute law of this country. It rested on the 25 *Henry* VIII., c. 20, and it was in the power of Parliament to abrogate that law. Prior to the reign of Henry VIII. the Sovereigns of this country were content to give up the right of appointing Prelates, reserving to themselves the approval of the appointments and receiving homage for the temporalities. This Prerogative being the creation of the statute law, Parliament had power to decide whether the power of appointing Prelates should remain in the Crown. If this clause were rejected there would be an end of the Bill.

Colonel BARTTELOT said, he agreed with the right hon. Gentleman the First Minister of the Crown when he stated, on the second reading of the Bill, that if he gave up the 2nd clause he gave up quite half, if not more than half, of the Bill; and it was because he thought the clause so important that he wanted to make one or two remarks upon it. He ventured to tell the right hon. Gentleman, although he had a majority of 118 at his back, the people of England did believe there was something in the union of Church and State, and they would be more sorry to see that union dissolved than the disendowment of the Irish Church. Hon. Gentlemen on that (the Opposition) side of the House had been brought up in the conviction that there was something in the union of Church and State, and that belief had always formed part of the creed of the Constitutional party. If the Committee passed this clause and disestablished the Irish Church they would do that which the people of this country would feel as a blow at themselves and at their religion, and the Protestants of Ireland would resent it as one man. The doing away with the unity of Church and State in Ireland, besides being a great and grievous wrong, would place the Disestablished Church in a most unfavourable position. It was all very well to say that the Church in Ireland could be maintained on the voluntary principle, but this was to be a new voluntary principle. The Roman Catholic religion had been established on the voluntary principle for centuries in Ireland; but he would ask whether it was not in fact maintained by the compulsion of those who paid towards it? He protested most earnestly against disestablishing the Irish Church, and dividing the supremacy of the Crown from it, which would be to strike a blow at the highest interests of this country, from which it would be difficult to recover.

Mr. WHALLEY said, that, except the hon. Member for Whitehaven (Mr. Bentinck), no one on the other (the Opposition) side of the House had used a single argument to show that to cancel the 2nd clause would be for the Protestant interest in Ireland. He (Mr. Whalley) rose to point out the reasons which led him to support the clause on purely Protestant grounds. He was a Member of the Church of England and Ireland, and a believer in her creed as far as he understood it; and he, for one, repudiated any assistance, either by endowment or establishment, for maintaining what he believed to be the truth. It had been stated by several speakers that, after all, the question of establishment or disestablishment did not affect the principle of the Bill. He believed the principle of the Bill was equality; and, though the establishment of the Church in Ireland might not materially affect the energy or the efficiency of the organization that would succeed the present arrangements, there was no doubt it afforded a pretext for the Roman Catholic hierarchy to say that the Protestants—those who believed in the Thirty-nine Articles, or as many as might be affected by that organization—had certain advantages which they, the Roman Catholics, did not possess. Now, in the name of common sense, of honesty and justice, and on the principles of free trade fairness, he repudiated any attempt to put a different weight into the scale against the Roman Catholics from that which we were prepared to accept ourselves. We had to deal with the most astute priesthood in the world, which would get ten times the advantage that we should if they could say that what was called establishment was left. The question of establishment had nothing to do with the Constitution. At the time of the Reformation a declaration of that Reformation was passed by Parliament, and it had nothing to do with differences of doctrine — it was simply a Parliamentary declaration of what was, before the Reformation, the Common Law of the country. The Preamble of that Act recited that the Bishop of Rome—whom some called the Pope—had long darkened God's word that it might serve his pomp, glory, avarice, ambition, and tyranny on the souls and bodies of all God's creatures, to the exclusion of the rule of Christ, and had exacted great sums by dreams, vanities, and other superstitious ways and innovations, which practices should be put down by the law. That was simply a direct protest, from which Protestantism took its name against the Church of Rome, not on a question of doctrine at all, but a protest against the usurpation of power in this country by the Pope, contrary to the Common Law. Protestantism of itself, then, had nothing to do with establishments or endowments; and, in 1405, the Protestantism of the country spoke out, and the Commons passed a remonstrance to the King, declaring that, without burdening the people, he might supply his occasions by seizing on the revenues of the clergy, who possessed one-third of the riches of the realm, without doing service for it, and that, in that way, their excessive income would be of double advantage to Church and State. On those grounds he should support the clause for disestablishment, believing that it would be of no avail to perpetuate what had been one of the great evils of Ireland, by conferring on the professors or members of a particular creed certain State advantages, which the astute priesthood of Rome had taken advantage of and made the buttress of their whole system.

Mr. STAVELEY HILL said, he would accept what had fallen from the hon. Member for Peterborough (Mr. Whalley); he agreed that they could only deal with these subjects so far as they understood them, and if he (Mr. Hill) and his friends failed a little in the quantity of their understanding he hoped hon. Gentlemen opposite would show them some mercy. He confessed he was not surprised when his hon. and learned Friend the Member for Whitehaven (Mr. Bentinck) called attention to the manner in which hon. Gentlemen opposite received the addresses delivered from that side of the House, and took some exception to the continual laughter with which they received everything which came from his side. He was scarcely surprised at the laugh from the hon. Member for Limerick. History repeats itself, and if the day spoken of by the right hon. Gentleman as fraught with the *ineluctabile fatum* of the Irish Church had arrived, the mind naturally ran on to the end of the passage—

> "Victorque Sinon incendia miscet
> Insultans."

Last March the hon. Gentleman whom he (Mr. Hill) had succeeded in the representation of the city of Coventry addressed the House on this subject, and said that he came fresh from the hustings to support the First Resolution of the right hon. Gentleman, and that that city, through him, accepted the Resolutions then before the House. Certainly, however, when those Resolutions became better known, they were not the better liked, for the hon. Gentleman he referred to (Mr. Carter) had not come back to that House, and Coventry had done him (Mr. Hill) the honour to send him in his place. The interest which he took, and which he believed a great proportion of the people of England took, in this Bill was mainly upon the question raised by this 2nd clause. They held that the endowment of the Irish Church was a matter of comparatively small importance; it had been yesterday, it might fall to-day, and it might arise again to-morrow; but it was of far greater moment that the Establishment should remain, and that the Church of Ireland and England should remain one Church. They held that Ireland was in no fit state at present to bear the jar which this Bill would throw upon the tie of Union, nor were the people of Ireland in such condition that they could bear, without loss and injury, the withdrawal of those exemplary persons who filled the offices of ministers of the Church and the position of resident landlords. It was felt that if the connection of the Church of Ireland with the State were to be severed she might degenerate into scepticism on the one side, or into Ritualism on the other. He was not prepared to say that there might not well have been a reform of the Church of Ireland; an adjustment of her revenues, so that labour and pay might go together, and superfluous bishoprics and other ecclesiastical offices might have been abolished, but what he said was that the right hon. Gentleman had used the axe where he should have used the pruning-knife — when he might have performed the office of surgeon he had stepped forward in the character of executioner. He did not wish to go into details on this measure, though there were many points on which he should have wished to say something. He would have liked to have shown how this measure might have been rendered more effectual even for the purpose which it pretended to subserve. In doing away with the Establishment they were doing away with that control of the State which he held to be necessary to retain the Church in the position in which it should be kept. Those that approached this question in the spirit in which he did could not approach it as a party question, though, whether brought forward by the right hon. Gentleman as a party question or not, as a party question it had been eminently successful. But, above all, he approached it in a spirit of toleration, for he trusted to have attained that crowning point of toleration at which he was not bigoted even against bigotry, and was tolerant even of intolerance. He was sorry that there should have been introduced into the debate the harrowing details of the laws of olden times, and that such allusions had especially been made by his hon. and learned Friend the Solicitor General, from whom he should have expected other and better arguments. It would be just as reasonable in discussing the Game Laws of the present day, to bring in reminiscences of the cruelties and atrocities perpetrated under the old forest laws of Norman times. The right hon. Gentleman the First Lord of the Treasury, the other evening, made a reference to *King Lear*, and recalled how when the old man thought he fell, he fell not. But had he gone a few lines further back he would have found how he, who under the innocent guise of a countryman led the old man to the fancied verge, doubted still in his own mind as to the success of his experiment, and hesitated whether it might not be that—

> "Conceit may rob
> The treasury of life, when life itself
> Yields to the theft."

Some such fate, he feared, was before the Irish Church. The right hon. Gentleman had not brought forward the measure which he ought to have done, and hence he alienated where he might have conciliated; he had wrought a curse where he might have brought about a blessing.

Mr. SYNAN said, he could not congratulate the House upon being dragged into the arena of *Nisi Prius* by the hon. and learned Member for Coventry (Mr. Hill). If the arguments of the hon. and learned Member in that arena were not more pertinent and forcible than what he had just addressed to them, he could not compliment his clients upon their selection. [*A laugh.*] He admitted, however, that he could rise to the humble level of a second-hand classical quotation worthy of a boy of the fourth form. [*A laugh.*] He desired to explain that he meant no offence by the laughter in which he joined, and which had been complained of earlier in the evening, and thought he would have been above the infirmity of human nature if he had not shared in the laughter of his Friends at the facetious and humorous after-dinner address of the hon. and learned Member for Whitehaven (Mr. Bentinck). Last night, also, he had not been guilty of any interruption; he had merely joined with Friends about him in the laughter which the wit and humour and peculiar arguments of the hon. Member for North Warwickshire (Mr. Newdegate) produced. The real and only question before the Committee was whether the Church of Ireland was to remain an established Church or not. That question, he imagined, had been pretty well decided upon already. Two large divisions had decided the question last year, and two much larger divisions had taken place on the same subject this year. The results of those divisions were of a character that could not be gainsayed. Well, then, what was the meaning of again opening up the whole question? It was, in his opinion, for the sole purpose of causing delay. It was only by severing the connection between the Church and the State that they could secure perfect religious and ecclesiastical equality in Ireland, and it was by the second clause of the Bill that that severance could alone be effected. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) said he did not want the Church to have any power, ecclesiastical or religious, exercised in Courts of an exclusive character, and that all he wanted was to maintain the supremacy of the Crown, but the right hon. Gentleman did not tell them what he meant by supremacy of the Crown. Did he mean spiritual supremacy, and if he did, then there was no such supremacy at this moment. Did he mean temporal supremacy? then it would exist after this clause just the same as it did now. As to the argument about the repeal of the Articles of Union used by the right hon. Gentleman he answered it himself, for he said he had no objection to the 21st clause, and that clause was as much a repeal of the Articles of Union as the clause they were discussing.

Mr. A. EGERTON, who rose amid loud and continued cries of "Divide!" said, he would remind the Committee that he had never yet troubled the House upon this subject, either during the past or the present year, and therefore he trusted that they would allow him to make a few observations, which he promised should not detain them long. ["Divide!"] He hoped that hon. Members on the other side of the House had not made up their minds to stifle discussion upon a question which the right hon. Gentleman the First Minister of the Crown had stated to be the most important that had been submitted to that House for the last 300 years. What he was particularly anxious to say was this—An hon. Member opposite (Mr. Monk) had asserted that if the people of Lancashire were to have this question submitted to them again their verdict would be very different from that they had already given upon it. Now, he had come very lately from that county, and he could vouch that there was a very deep feeling in that part of the country against the right hon. Gentleman's Bill. There were two arguments which weighed strongly with him. The first was that England and Ireland must be regarded as one, and not as two separate countries. Although he was aware that some hon. Members would like to see the Union between the two countries dissolved, he himself hoped that that Union would last for ever, and he objected to this Bill as being the preliminary step to dissolving that Union. ["Divide, divide!"] The conversion of hon. Members on the other side of the House had been effected in a very short time, and he trusted that in an equally short space of time they would change their opinions again upon this subject. He held that the union between Church and State in this country and in Ireland was absolutely necessary to enable us to hold our present position in the world.

The other argument against the measure upon which he relied was that referred to by the hon. Member for Whitehaven (Mr. Bentinck) — namely, that the Established Church was the only security we had for religious or civil liberty in that country. Once destroy the Protestant Church in Ireland, and the Roman Catholic Church would become the dominant Church in that country.

Mr. GREENE said, he had been represented by the right hon. Gentleman opposite as being in favour of the endowment of the Roman Catholic Church in Ireland. He thought he was too well known in that House for such a mistake to have been made. The right hon. Gentleman at the head of Her Majesty's Government had been pleased to allude last night to what he called his "stubborn incredulity," and had stated that he could make no impression upon him. He quite agreed with the right hon. Gentleman. From what he had heard from hon. Members on both sides of the House, he was led to suppose that the motive of the right hon. Gentleman in bringing forward this measure was to gain political capital, and he still remained of the same opinion. ["Oh, oh!"] They might cry "Oh, oh!" as much as they liked, but they would make no impression upon him. He should be very sorry to say a word against the right hon. Gentleman; but, as he held that opinion, he acted more honestly in expressing it openly than those who said things behind the right hon. Gentleman's back which they did not like to say before his face. If the right hon. Gentleman had heard what he (Mr. Greene) had heard said of him by staunch men on the Ministerial side of the House, he would be rather astonished. He objected to the disestablishment of the Irish Church, because he was old-fashioned enough to believe in the truth of the Thirty-nine Articles, and because he believed that a connection with the State was necessary to preserve the purity of the doctrine of the Church. He had a respect for Dissenters and Nonconformists who conscientiously believed that disestablishment would be good both for England and Ireland, but he appealed to them to say whether grave errors were not creeping into their chapels which many of them deeply deplored? If the Crown had no control over the principles of the Established Church, that Church would be driven before the storm. He hoped the House would pause in its headlong career; but even Gentlemen who approved the principle of the Bill ought to vote for the Amendment.

Mr. GLADSTONE: Sir, the latter part of the discussion has not unnaturally assumed a very general character, and has ranged over the ordinary arguments applicable to the main principle of the Bill; but for several hours after the Amendment was suggested by the right hon. Gentleman opposite (Mr. Disraeli), the discussion was pretty strictly confined to the immediate character of the Amendment and to the terms of the clause. I must say that some of the doctrines laid down, and some of the matters of the discussion were of a wholly transcendental character, and in that category I venture to place some of the statements of the right hon. Gentleman the Member for Buckinghamshire. The right hon. Gentleman said that there was great confusion in the House with regard to the nature of religious establishments, and in order to remove this confusion he delivered his opinion that the Roman Catholic Church is an established Church in Ireland. That proposition of itself does not appear to me to go far towards securing to us a clear comprehension of the distinction applicable to this question; nor, I think, did he make much further progress when he said that the reason why the Roman Catholic Church was to be considered as established in Ireland, was because the Pope was the temporal sovereign of Rome. The right hon. Gentleman also said that Archbishop Cullen is not the offspring of the voluntary principle. Well, I do not know whether personally he is the offspring of that principle, but I think, that Cardinal though he is, he requires the means of subsistence like other mortal men; and that the means of subsistence, whereby he is enabled to exercise his ministry in Ireland, are the offspring of the voluntary principle. The question whether a particular religious community acknowledges an authority abroad has no connection whatever with the question of the religion of that community being an established religion; because that acknowledgment itself of the foreign authority is a part of the voluntary profession which it thinks fit to make. Well now, much has been said by great authorities upon the subject of the Royal supremacy; and it is hardly for me to enter into discussions so legal and recondite as those which, for a considerable time this evening, were carried on with reference to that subject. But yet it is my duty to say something upon the subject, because I cannot withdraw from the statement which I made on behalf of this Bill—that the supremacy of the Crown is not destroyed by any of its enactments, but will continue to exist as truly after the Bill has passed as it exists at the present moment—["No, no!"]—not, undoubtedly, in the same precise form, because I subscribe entirely to the doctrine of my hon. and learned Friend, the Member for Richmond (Sir Roundell Palmer), who admits that, in connection with the peculiar conditions of religious establishments, the supremacy of the Crown receives peculiar developments and applications. But I ventured upon a former occasion—and I believe I have been contradicted to-night by the right hon. Gentleman the Member for the University of Dublin (Dr. Ball)—to point to Scotland and to observe that in Scotland there was no appellate jurisdiction exercised by the Crown, and that there was no Crown authority acknowledged in the ecclesiastical tribunals; but that the supremacy of the Crown existed there as truly as in England. I am contradicted to-night, and told that the supremacy of the Crown was abolished by the first Act of the first Parliament of William and Mary. I take leave to re-assert what I presumed to state to the House. I hold in my hand the first Act of the first Parliament of William and Mary, and that which is repealed by that Act is not the supremacy of the Crown, but a particular Act of Parliament in which that supremacy was asserted in a special and unheard of form. Let there be no mistake about it. The words are few, and I will read them—

> "The first Act of the second Parliament of King Charles II., intituled an Act asserting his Majesty's supremacy over all persons and in all causes ecclesiastical, is inconsistent with the establishment and the Church Government, now required, and ought to be abrogated, and is abrogated accordingly."

Now, what was the character of that Act? because I think the right hon. and learned Gentleman adverted to it? Was that Act merely an acknowledgment of the supremacy of the Crown? It was an Act totally different in its character from any which had been passed upon the subject in this country. The Acts which were passed in England invariably went upon this basis, that they alleged—there may be those who say that they did not allege truly; that is another question—but they alleged that they were declaratory of the ancient law of the land. This Act of the Parliament of Scotland, which was repealed by the Act of William and Mary, was no revival, and did not purport to be a revival or a declaration, of the ancient law of the land, relating to the ecclesiastical supremacy; but was the establishment in a form wholly, without precedent or example, as happily without any imitation in any subsequent period, of an absolute, unqualified, ecclesiastical despotism residing in the Crown. Now, to make good what I have said, I will read part of the description of the ecclesiastical power of the Crown as it was declared by this Act, repealed by the Act of William and Mary. It begins, it is true, by asserting the supreme authority of the Crown over all persons, and in all causes ecclesiastical; and so far it agrees with the general doctrine. But it goes on to recite and enact—

> "And that his Majesty and his successors may settle, enact, and emit such constitutions, acts, and orders concerning the administration of the external government of the Church, and of persons employed in the same, and concerning all ecclesiastical meetings and matters to be proposed and determined therein as they in their Royal wisdom shall think fit, which acts, orders, and constitutions being recorded in the books of the Council, and duly published, shall be observed and obeyed by all his Majesty's subjects, any law, Act, or custom to the contrary notwithstanding."

Now, that was the Act of Supremacy passed in the reign of Charles II., and most properly repealed by the Act of William and Mary. But it is totally different from the doctrine of supremacy which had ever theretofore found a place in the law of England; and further, I will supply a proof of what I have stated by referring to another Act of Charles II., which may not have met the eye of the right hon. Gentleman opposite—first Session of the first Parliament, chapter 11. If the right hon. and learned Gentleman refers to that Act he will find it set out there the Oath of Allegiance to be taken by persons appointed to offices of trust. In that Oath, first the person is required to—

> "Affirm, testify, and declare that I acknowledge my Lord Sovereign, only supreme Governor of this kingdom, over all persons and in all causes; and that no foreign Power, Prince, State, or Potentate, civil or ecclesiastical, hath any jurisdiction, power or authority within this realm."

—coinciding with the declaration of the doctrine of the supremacy as it is contained in the thirty-seventh Article of the Church of England, and as it was contained in the Oath of Supremacy in this country. That Act of Parliament, so far as I am aware—until the right hon. and learned Gentleman instructs me to the contrary—was not repealed, and certainly is not repealed by the Act quoted of William and Mary. With respect to this question of supremacy, this, at least, is evident, that there has not been one fixed and continuing state of the Royal supremacy in ecclesiastical matters from the time of the Reformation onward. At the time of the Reformation, and for some generations afterwards the Crown exercised, not indeed an unlimited, but an important original jurisdiction, and the ecclesiastical courts of the country performed all their acts in the name of the Sovereign. In the reign of Charles I. the ecclesiastical courts of this country ceased to perform all their legal acts in the name of the Sovereign, but proceeded in the name and under the seal of the respective Bishops: and the entire original jurisdiction of the Crown in matters ecclesiastical passed away when the Court of High Commission and the Star Chamber were abolished, and when the constitution of those courts, or of any resembling them was declared to be illegal and contrary to the spirit of the Constitution. But the right hon. Gentleman laid down the doctrine that the supremacy of the Crown was never applicable, except to the Established Church. Did he ever, let me ask him, read the opinion which was delivered by no less a person than Lord Hardwicke as given in *Chalmers' Cases?* In Massachusetts or one of the New England States, when the Duke of Newcastle was Secretary of State, though I cannot say whether it was in the time of George I. or II., the Presbyterian clergy of the State in question desired to meet in synod, and the Governor of that State wrote home to know if he could permit it. The Duke of Newcastle consulted the Law Officers of the Crown—Lord Hardwicke being Attorney General—to ascertain whether these religious bodies, who had been established, could meet without the license of the Crown; and the opinion given and which was acted upon by the Government was, that without the license of the Crown they could not meet in synod, so that the supremacy of the Crown controlled an drestrained their action according to the doctrine which was then held. As to the state of things in Scotland, it does not, I maintain, in the slightest degree, bear out the doctrine of the right hon. Gentleman, and I must ask him to show me in what sense the ancient law of the supremacy of the Crown has been destroyed in that country? I shall show him that the statement that it was destroyed by a particular Statute is totally inaccurate, because what was destroyed was an unheard-of assertion of that supremacy, an assertion so extravagant, so severe, that even the Episcopal Church, although reproached by the Presbyterians for their subserviency, was so opposed to it that several Bishops were deprived, because they declined to admit the doctrine of supremacy as contained in the statute to which I have referred. But making that protest, and leaving the right hon. Gentleman to be responsible for the statement that there can be no supremacy of the Crown in Ireland when this Bill passes, I come to the Motion the right hon. Gentleman the Member for Buckinghamshire has made—or rather announced it to be his intention to make. That Motion has been defended on two grounds. I should say that the Motion for the omission of the clause, strictly speaking, does not extend beyond saying "No"—when we propose the clause. Now that intended Motion of the right hon. Gentleman is supported on two grounds which are totally and diametrically opposed to each other. The one—and this is the doctrine of the Mover—that the rejection of the clause is compatible with the attainment of the main objects of the Bill—namely, the disestablishment and disendowment of the Irish Church. But the great bulk of his supporters, those who last addressed us as well as those who addressed us throughout the evening, have avowed an opposite principle—namely, that in this clause is involved by far the greatest part of the vitality of the Bill, and they have exhorted those who sympathize with them to oppose this clause in order to defeat the Bill on its main objects. It appears to me that that is the more consistent and the more rational view of the case. I will not presume to say whether the Bill would not be sufficient for its purpose without this clause, provided all the other clauses were allowed to stand. But, before agreeing to part with this clause, I should wish to have an engagement from those who wish to dispense with it that none of the other clauses would be objected to. I am afraid there would be some difficulty in getting that engagement. There is no doubt that the purpose of the Bill requires a modification of the Act of Union in as far as its substance is concerned. We might, by using words of sufficient strength, have secured that modification without strict and literal reference in the body of the Bill to the Act of Union. But, considering that that was a great and important and historical constitutional statute, I think that the most candid, as well as the most secure and satisfactory, mode of proceeding was at once and directly in the head and front of the Bill to refer to the Act of Union, and to remove from the statute book that portion of the Act, the whole purpose and design of which we meant to put an end to. Now, with respect to the substance of this Motion, what does it come to? There is not much difference of opinion as regards the statement. It is said by the advocates of the Motion—I mean those who defend it on the narrower ground—that the Members of the Irish Church have a right to the benefits of the Royal supremacy, and to the benefits of a doctrine, discipline, worship, and government uniform with the Church of England. My answer is a very plain one; and it is this—They may have a right to that benefit, but they have no right to have it secured to them in the form of law. The distinctions of an established from a non-established Church are many. Several of them have been referred to to-night; but the most profound and the most comprehensive of them all is this—that the Church is an established Church, has laws which are the laws of the land; and the demand made by the right hon. Gentleman the Member for Buckinghamshire, and the modest form of language in which he has clothed his Motion, amounts to this, that the laws of the land shall continue to be the laws of the Church of Ireland. Well, Sir, that means that the Established Church, of which we are about to put an end to the establishment, although we are still to continue to profess to put an end to it, is to have its laws placed on a footing wholly and radically different from that on which rest the laws of other non-established bodies. For while the rules of government and association of other bodies are to be enforced simply on the principle of contract, the rules of the Irish Protestant Episcopal Church are to rest on statutory and Parliamentary authority. Why, Sir, phrase it as you will, narrow it as you will, limit it as you may, the scope of the Amendment strikes—as the majority of the speakers opposite have clearly seen and frankly admitted—at the very root and groundwork of the principle of the Bill. But I entertain to it another objection. I have objected to it from the stand-point of the framers of the Bill, and of those who mean to strip the Established Church of its political privileges. I must also object to it from the standing ground of the members of that Established Church itself. I want to know by what title it is that the right hon. and learned Gentleman the Member for Dublin University, or the right hon. Gentleman who sits near him (Mr. Disraeli), calls on us from his place in this House to deny to the body which we are going to disendow and disestablish that freedom which is an inherent and essential prerogative, according to the notion now recognized in this country, of every body of Christians asking no aid from the State? What authority has the right hon. and learned Gentleman to tell us that what he proposes is desired by the members of the Church of Ireland? [Dr. Ball: I do not claim any authority.] He has none? He does not claim that authority? I am glad to have obtained that admission from him. I have deemed it my duty, and my Colleagues immediatly connected with the Irish Government, as well as others among them, have also deemed it their duty to endeavour to procure the best information we could of the views entertained by men of the greatest weight, learning, and ability, in the Irish Church—not by partizans of ours, not by the friends of endowment, not by those who have concurred with us from the beginning, but by those whom we regard as representing the general sentiment of the members of the Established Church in Ireland; and I must say that, so far as our experience has gone, the information we have received is directly and diametrically at variance with the proposal of the right hon. Gentleman the Member for Buckinghamshire. So far from calling on us to continue to them, after having stripped them of their property, an enforced conformity with the Church of England, they insist, as their right, on that freedom which we are not disposed to deny. There is but one other point on which I wish to say a few words. Some hon. Members who had spoken to-night have said—"What a dreadful thing it is that you are not going to secure the continued conformity of the members of the Irish Church to the Thirty-nine Articles and to episcopal government!" They may obtain, they say, the provisions of the Bill in their favour to-day, and to-morrow they may alter the doctrines and constitution of the Church. Certainly they may do so; and, no doubt, if they do so, it will be because their convictions direct them to do it; and if their convictions so direct them, does the right hon. Gentleman think that we shall obtain any advantage by compelling them to make professions in which, on his own showing, they will no longer believe? I am as anxious as the right hon. Gentleman about the end—though we may differ as to the means by which it is to be secured—and I hope and desire, nay more, I am firmly impressed with the conviction that the sympathies which unite the members of the Church in Ireland with their brethren in this country, will not only continue but gain and grow in strength after this act of disestablishment has been completed. But I am quite certain that in order that this sympathy may have scope you must not attempt to apply to them the hand of force; but you must recognize their right and title to perfect freedom in all matters ecclesiastical, if either you would make the connection between them and you beneficial, or would wish it to continue. With these views there can be no doubt as to the course that the Government will take, nor any, I should think, as to the course that will be taken by hon. Members who voted for the Resolution of last year, or who have voted for the second reading of the measure, and for going into Committee upon it. If we take the limited scope of the plan of the right hon. Gentleman, it would only place us in a position of hopeless and absurd inconsistency with the leading provisions of our measure. If we adopt the most simple and natural construction of the negative upon this clause, it is a new form, of which I have neither the title nor the disposition to complain, of aiming a mortal blow at the substance of the Bill, and that substance, I believe, it is the fixed intention of the majority of the House to maintain.

Mr. DISRAELI: Sir, the right hon. Gentleman (the First Lord of the Treasury) gives me credit for wishing to level a mortal blow at this Bill, and I am bound to say that he has rightly interpreted my desire. If I could devise any plan by which I could defeat a measure which the thought of every day more and more convinces me is the most pernicious measure that has ever been introduced in my time into this House, I certainly should not shrink from any fair attempt to accomplish that end. But I can say with equal sincerity of the Amendment which I have proposed to-night that I did not propose it in that spirit; and, although I will not avoid any fair occasion of giving a complete defeat to this measure if I can, I was influenced by very contrary sentiments in making the proposition which I have suggested this evening. Sir, I hope the Committee will not be diverted from the point before them by antiquarian discussions about the Queen's supremacy in Scotland. The right hon. Gentleman has occasionally referred to it in his speeches, and reminded the House that the Queen's supremacy was not acknowledged in matters ecclesiastical in Scotland, and that it has been abolished in that country; but I have always been of opinion, from what I have read, that the Royal supremacy in matters ecclesiastical, as far as the Common Law is concerned, never existed in Scotland. There was a forced intrusion of the doctrine into that kingdom by Charles II., and every one is well aware that that was the origin—the fatal origin—of those unhappy proceedings which were the consequences of that unwise Act. But both the statutes referred to by the right hon. Gentleman were repealed, one directly, and the other, as lawyers say, inferentially; so that, referring to Scotland as illustrative of the doctrine or of the practice of the Royal supremacy in matters ecclesiastical, is to my mind perfectly superfluous, and can have no bearing on the practical decision of the House. Sir, whatever may have happened in Scotland, the question for us to decide is—"Is that portion of the people of Ireland who have profited by the action of the Royal supremacy in their affairs ecclesiastical to be deprived of it, as we maintain to-night, unfairly and unnecessarily, even if we admit, for the sake of argument, that the policy of the right hon. Gentleman ought to be carried out." I will remind the Committee, which is much fuller than it was when I attempted to lay before it the views which induced me to recommend the course I suggested this evening with regard to the 2nd clause, that I have never for a moment admitted that even if the 2nd clause is rejected the policy of the right hon. Gentleman will be accepted by us. All I have said in argument is this, which no one has denied or attempted to question or refute—that if they will consent to omit this clause, upon which I will make a remark or two hereafter, it will not affect in the slightest degree the power and privilege of the Committee to carry into effect the whole of the policy of the right hon. Gentleman with regard to the Protestant Episcopal Church in Ireland. I have said that the Committee, if they think fit, can despoil and plunder that Church; that if they think fit they can divest its Prelates of their Parliamentary rights; and that if they think fit they can shut up the ecclesiastical courts, and put an end to and abrogate all those circumstances incident to the present established position of the Church, which are the subject of so much envy, and occasionally of so much invective and criticism in this House. They may do all this, and at the same time make this concession which is so greatly desired by the consciences of so many of their fellow-countrymen, and which will not in the least interfere with the completion of the policy which hon. Gentlemen opposite support. But I am not contemplating that the Committee will seriously support the right hon. Gentleman in all his propositions, nor can I bring myself to believe—even if the Committee should pass all the clauses which follow that one to which I have made this exception—that anything so fatal to this country would ever occur as would occur if the policy of the right hon. Gentleman with regard to the Protestant Episcopal Church in Ireland were ever carried into effect. Sir, what I have desired, and what has led to this controversy, is that the members of the Protestant Episcopal Church in Ireland should continue to enjoy the advantages of the supremacy of their own Sovereign. Is it an unreasonable or an unconstitutional request? Well, on that the controversy arises, and the Attorney General follows me in the debate in order to answer the principal points in my remarks. I confine myself now to the point concerning the supremacy. What then, does the Attorney General say? He says that which was said *ad nauseam* in the debates of last year, and which I verily thought we should not hear again in a new Parliament—namely, that the supremac yof the Queen, such as we on this side of the House express it to be, is a perfect shadow, that it is an illusion, and that the only supremacy of the Queen is that which Her Majesty possesses in Her Majesty's courts. Why, that is a supremacy which is enjoyed by every Sovereign in every country in the world. If a Sovereign is not supreme in his courts he ceases to be a Sovereign. Justice cannot be administered except in the name and by the authority of the ruler of the country. I utterly deny, however, that that is the supremacy in matters ecclesiastical to which I referred, and on which my right hon. and learned Friend (Dr. Ball) ably enlarged. Sir, the hon. Member for Richmond (Sir Roundell Palmer) although he appeared to support the view of the Attorney General on the subject of supremacy, is too much a master of the subject to lay down propositions with the same barren nakedness. The hon. Member for Richmond was quite consistent with the ecclesiastical views which he has so often and so ably developed and expressed in this House. It is of course quite consistent with his views to question our assumption of the Queen's supremacy and our definition of its nature. The hon. Member for Richmond does not deny that the ecclesiastical power which we claim for the Sovereign of our country does exist, but he says it does not exist in the person of the Sovereign because the hon. Member for Richmond is in favour of the supremacy of the Church and not of the Sovereign. This circumstance explains the view which the hon. Gentleman has taken on the present occasion.

And now, Sir, let me call the attention of the Committee to what after all, though a most important is, the very simple proposition which I have placed before them. I have called their attention to the fact that by the 2nd clause of the Bill we are asked to terminate the union between the Church of England and the Protestant Episcopal Church of Ireland. I have asked the Committee to consider, before they assent to that proposition, what are the terms of that union, what are its conditions, and what are the objects which are accomplished by the union. They will see if they look —and I have no doubt they have well ascertained the terms of the Act of Union—that the objects to be attained by the union between the Church of England and the Protestant Episcopal Church in Ireland are identity of discipline, of worship, of doctrine, and of government. I have asked the Committee—"Are these privileges, so venerable and so legitimate, and which all of you must have prized in your own spiritual relations, whatever creed you may belong to—are these privileges, under the present circumstances, such as you will deny in a spirit of justice to the Protestant Episcopal Church of Ireland?" That is the real, the sole, the simple issue before us. I say it is not mixed up with the endowments of the Irish Church. It is not mixed up with its national authority. It is not at all mixed up with its temporal magnificence. And yet it is said to us—"Would you let this Episcopal Church of Ireland be denuded of its property and authority;" —as if it were a crime to denude it of its property and authority, and as if we were the persons who proposed such measures—would you allow that body, whose only chance of salvation is to be left to themselves, to be under the control of the Sovereign, whom, for more than 300 years, they have acknowledged as their head? I say, that the Protestant Episcopal Church in Ireland is the best judge of that matter; and no person of any authority on this subject who has addressed us has pretended for a moment that there is among any part of the laity and clergy of the Protestant Episcopal Church in Ireland the slightest symptom of a desire to lose the advantage of the Queen's supremacy. On the contrary, at this moment of exigency and of trial, do they not cling to that name and authority as their only chance and consolation, as the only means by which they possibly may get through the immense difficulties and dangers that surround them? Mr. Dodson, I hope the Committee will remember that this issue before them—I do not say this gigantic issue, it is a very simple issue—is what we have to decide. And I did appeal to the Committee, which was then thinner, but it was well attended by those who represent Roman Catholic opinions in this House—I did appeal to Gentlemen who are of the Roman Catholic communion and did say to them—"You have the advantage in your Church of a supreme head — you acknowledge that to be a great advantage—you boast of that great advantage and probably you justly boast. Why should you deny your Protestant fellow-subjects the same advantage, especially as it is no novelty to be introduced, no anomaly to be brought in and thrust into this new Constitution, but the custom of the country, which has now existed for centuries, and which the Protestant population of Ireland generally regard with confidence and affection?" Well, I did also impress on the Committee, irrespectively of the simple but great issue on which I call on them to decide—I did ask the Committee to consider what, as public men and as statesmen it was their duty to consider—that, when the point which I have raised was so unquestionable, when it was self-evident and not even denied by the right hon. Gentleman and his followers, that his policy could be effected without this violation of the Act of Union, it was—totally irrespective of the merits of the views that I was placing before the Committee — it was a consideration of deep import whether it were wise unnecessarily to tamper with the Act of Union. Why, Sir, whatever may be our opinion upon the general policy of the Government, every sensible man must agree in this, that, if you can accomplish that policy without tampering with the Act of Union, it would be a great benefit, a source of strength to the State, and one on which I think our society, now in some degree of danger, might be congratulated. Well, can you or can you not? The right hon. Gentleman does not deny that if the other clauses of his Bill are carried his policy would be effected. He has never for a moment maintained, with any appearance of conviction, that it is necessary to his policy that this clause should pass, which at the same time violates the Act of Union and wounds the conscientious feelings of the whole body of the Episcopalian Church of Ireland. I, also, in making that appeal to the Roman Catholic Gentlemen, asserted, and I assert again, notwithstanding some observations that have been made, that the Roman Catholic Church in Ireland, and in every other country where it appears, is an established Church. I say that without the slightest hesitation. I maintain as a political truth, as a point not to be controverted, that when a Church is instituted by a foreign Power—a Church without influence over its own doctrines, discipline, worship, or government—it is an established Church, and can be no other than an established Church. It is as much and as completely organized and regulated, without the slightest influence and power of its own, as any Church which can be established by Act of Parliament, and I say, therefore, that not only theoretically—which some may question, but it would only be a criticism of words—but practically, the Roman Catholic Church is an established Church; and I say, if that be the case, how can you, in the name of ecclesiastical equality in Ireland, permit the Roman Catholic Church to have all the advantage of establishment—that is, of having a sovereign control over it which secures all these advantages of discipline and doctrine, and deny that to the Protestant Episcopal Church in Ireland? It is impossible to contend that under these circumstances you are establishing a policy of ecclesiastical equality. Why, Sir, it is impossible—whatever the vote may be—to divert and distract the minds of intelligent men, on whatever side they may sit, by entering into controversies about Scotch Acts of Parliament regarding the supremacy of the Crown in the time of Charles II. and William III. No, Sir, we know to-night what the right hon. Gentleman is aiming at—what is his real defence of his policy—what is his real answer to my proposition to leave out this clause of his Bill. He says he will not do it, because it secures that freedom which is the prerogative of every body of Christians in this country. But, if that be the case, why is your policy not more comprehensive? You who are so learned in the statutes of Scotland; why do you not come forward at once and secure that freedom, which is the prerogative of every body of Christians in this country, to that body of Christians, the minority of the Scottish people who do not enjoy it? Why does the right hon. Gentleman who to-night has announced this policy, which he never announced so distinctly before—a policy which is to secure the freedom which is the prerogative of every body of Christians in the country—why does he not extend it to the people of England? Sir, a prudent statesman might say—"Whatever may be my ulterior designs, you have no right to judge me except by the public propositions that I have made—you have no right to impute to me a future policy, which on your part may be a rash and unfounded inference from my present propositions." That would be the position of a prudent statesman; but we have a frank statesman who does not condescend to be prudent. I say, on the part of the Protestants of Ireland that, when we are told that a new policy is now to be inaugurated, when we have from the Prime Minister a definition of that new policy—namely, that it is to secure to all that freedom in religious matters which is the prerogative of every body of Christians in the country—the Protestants of Ireland have a right to say—"Carry your policy into effect completely, or at least postpone our fate till there is one verdict of general ruin and an entire dissolution of the bonds of society."

MR. GLADSTONE: Sir, I am not about to make a speech, or to abuse the indulgence of the Committee; and I could not find it in my heart to weaken the effect of the animated peroration to which we have just listened, but, now that it is over, I am bound to tell the right hon. Gentleman that I think he laboured under a delusion as to the words used by me, which was not shared with him by any other Gentleman in the House, with reference to the freedom, the absolute freedom, or any freedom, which was the title or right or prerogative of "every body of Christians in the country." I say "of every body of Christians subsisting upon its own resources." I therefore, Sir, am greatly rejoiced to think that I may still, perhaps, be included in the right hon. Gentleman's category of "prudent statesmen."

Question put, "That the Clause stand part of the Bill."

The Committee *divided*:—Ayes 344; Noes 221: Majority 123.

House *resumed*.

Committee report Progress; to sit again upon *Monday* next.

House adjourned at One o'clock, till Monday next.

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HOUSE OF LORDS,

Monday, 19*th April*, 1869.

MINUTES.]—PUBLIC BILLS—*First Reading*—Park Gate Chapel Marriages* (59); Government of India Act Amendment (62).

Committee — *Report* — Colonial Prisoners Removal* (55); Merchant Shipping (Colonial), 1869,* (56).

Third Reading—Governor General of India* (42); Naval Stores* (57) and *passed*.

Royal Assent—Brazilian Slave Trade [32 *Vict.* c. 2]; Lord Napier's Salary [32 *Vict.* c. 3]; Mutiny [32 *Vict.* c. 4]; Marine Mutiny [32 *Vict.* c. 5]; Railway Companies Meetings [32 *Vict.* c. 6]; East India Irrigation and Canal Company [32 *Vict.* c. 7].

CORONATION OATH.—QUESTION.

LORD REDESDALE, in putting to the Government the Question of which he had given notice—Whether there is any intention on their part to propose any alteration of the Coronation Oath, or any legislation in relation thereto? said he thought it desirable to bring the subject before the House, on account of the feeling that prevailed among great numbers of persons in the country that some of the provisions of the Bill introduced by Her Majesty's Government with regard to the Irish Church were inconsistent with the obligations of that Oath. That opinion had been strongly expressed by many persons in England, while he believed that in Ireland it was held by nine-tenths of the members of the Established Church. Now he thought it very undesirable that such a state of things should exist, without any notice being taken of it in Parliament, and it was desirable that the Government should have an opportunity of showing, either that the provisions of the Bill were not touched by the terms of the Oath, or that there was something in the conditions under which the Oath was imposed which did not render it binding on Her Majesty with regard to giving her assent to any measures presented to her by Parliament. It appeared to him very difficult to show that the terms of the Oath did not directly condemn many of the proposals of the Bill; but, at the same time, it was possible that Her Majesty's servants might be able to offer satisfactory explanations. The conditions, moreover, under which the Oath was originally imposed were worthy of consideration, in order that the House might understand what its obligations were. As to the Sovereign not being bound by the Oath in her legislative capacity, many persons appeared to think that any measure which had passed both Houses must necessarily receive the Royal Assent; in fact, that, from the lapse of time and the change of circumstances, the power of the Crown to exercise its veto has become a thing of the past, and that there was no power in the Crown to resist the acts of the two Houses of Parliament. He could not, however, suppose that this opinion was shared by any of their Lordships, for this important Prerogative had been preserved in the United States under one of the most democratic constitutions in the world, and he believed that the more our institutions were extended in that direction the more important it was to retain the Prerogative of the Crown. What, then, were the obligations of the Oath? Those who imposed the Oath were obviously the parties to judge of the extent of its obligation; and, to consider, therefore, what that obligation was, it was necessary to refer to the proceedings of Parliament at the time it was enacted. The question was raised in the reign of George III., in relation to a measure for granting to Roman Catholics political privileges, but a disadvantage, he thought, had resulted from its having been considered mainly in connection with that question. There was nothing in the Oath which directly applied to any measure of that kind; but it was the belief of George III.
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that to consent to the removal of those Roman Catholic disabilities would affect the Oath he had taken to maintain the Protestant religion, as by law established, to the utmost of his power; and what was occurring at the present day raised the question in the mind of many, whether His Majesty was not more correct in his opinion of the consequences of that concession than those who were disposed to give him other advice. Still, people were justified at that time in saying that the obligations of the Oath did not necessarily bind the Crown to resist Roman Catholic emancipation, there being no words in it directly requiring such a refusal. The question was therefore treated as one on which the Crown was not bound, except by what some termed the extravagant opinion of the Sovereign, as to the consequences that might ensue. In the debate on the Relief Bill, in 1829, the late Earl Grey referred to what took place with respect to the Coronation Oath on the accession of William and Mary, and argued—upon, however, as he (Lord Redesdale) thought, a partial statement of the facts—that it was not intended that the Crown should be bound by that Oath in its legislative capacity. He said he believed that it could be shown with the most conclusive evidence that it never entered into the minds of those who framed the Oath to impose on the King any such restraint. Was it possible, he asked, to imagine that Lord Somers and the patriots of the Revolution could have conceived the idea of binding future legislators in the manner contended for? That they thought the danger most to be guarded against was any proposal of the Lords and Commons that might endanger the great work just accomplished, and the only security against that danger was in the King, by imposing on him an Oath to be taken at his Coronation, which should bind him and his successors for ever to refuse their assent to any Bill that might be presented to them for altering the laws then in existence against the Roman Catholics? [2 *Hansard*, xxi. 327.] Lord Grey then referred to the discussion on the third reading of the Bill in the House of Commons; but to consider the matter fairly the entire preceedings of the House must be looked at. It was originally referred to a Committee to inspect the Coronation Oath, and consider what alterations and amendments were it fit to make therein, but the Committee, after several sittings, being unable to agree, the House resolved itself into a Committee of the Whole House. In the Committee Sir Thomas Clarges proposed an addition to the Oath—"That to the utmost of his power he will maintain the Protestant religion established by law." Thereupon Mr. Garroway moved —"That the King in the Oath swear to maintain the Protestant religion as it is, or shall be, established by law." Objection was taken to this, by Mr. Finch and others, as implying that there was another Protestant religion to be established by law—a new doctrine as well as a new discipline. There was no one then in the House whose opinion as to the extent of the obligation imposed by the Oath is entitled to more attention, no one who could speak with more weight and force than Mr. Somers, afterwards Lord Somers, and what he said was this—

> "The Question is to add the words 'shall be established by law;' I desire the addition for great regard to the Legislature. In the former paragraph it is 'statutes, and laws, and customs in being;' in the other, 'Establishment.' He that gives his consent to take away does not maintain them. Put in 'is, or shall be,' and that takes in every man's consent. It is said that by this we are going to alter the government of the Church. Though the constitution be as good as possible for the present time, none can be good at all times. Therefore I am for the word 'may,' and that will be a remedy at all times."

Can any one doubt that in desiring qualifying words "for great regard to the Legislature" he considered that the Oath would bind the King in his legislative capacity? Sir Thomas Clarges remarked—

> "I think those words will make the world believe we are about to alter the whole religion, the true Protestant religion established by law. Perhaps the words may be plainer, but seeing so much weight laid upon them, makes me apprehend something lies hid, that the Presbyterian party, the lean deer, will take it from us both."

On a division the original Motion was carried by 188 to 149. Now it was obvious that the effect of the Amendment was to widen the discretion of the Crown, and that the objection to it was mainly founded on its being a Presbyterian movement. On the third reading of the Bill Mr. Pelham proposed this proviso—

> "Provided always, and be it hereby declared, that no clause in this Act shall be understood so to bind the Kings or Queens of this realm as

to prevent their giving their Royal Assent to any Bill which shall be at any time offered by the Lords and Commons, assembled in Parliament, for the taking away or altering any form or ceremony in the Established Church, so as the doctrines of the said Church, a public liturgy, and the episcopal government of it be preserved."

The object of that proviso was plainly to get rid of the objection that it was a Presbyterian movement; but it was objected to on the ground that when a special permission was given on a particular point other points were tied up, and, on the suggestion of Sir Thomas Lee, the Amendment was withdrawn. Sir Thomas Lee, in objecting to it, said—

"I was the other day of opinion that the Oath might have been plainer by the other words offered; and now here is a proviso to explain it. 'I am afraid the words as penned in the Oath do too much bind up the Legislature.' The Oath obliges the King to maintain the religion established by law. The proviso says the King shall be always at liberty, and, by Act of Parliament, ceremonies may be altered at any time. All oaths are taken in the sense of the imposer, which restriction is not to be exercised but in certain cases. It will, I fear, creep in that other laws cannot be made without such a proviso. Therefore I would lay it aside."—[*Hansard: Parl. History*, vol. v.]

Sir Thomas Lee's opinion clearly was that the Oath was legislatively binding. It does not appear that in the House of Lords there was any discussion. Now the conclusion he (Lord Redesdale) felt compelled to draw from these debates was that Parliament intended that the Oath should bind the Sovereign in his legislative capacity, but not one iota beyond the express words contained in it, and should not bind him in regard to matters which he conscientiously believed might be granted consistently with the main point and object of the Oath. He (Lord Redesdale) would now turn to those words in the Oath which were supposed to touch the measure now pending in the other House. They were these—

"Will you to the utmost of your power"—in other words, will you do everything that a Sovereign can—"maintain the laws of God, the true profession of the Gospel, and the Protestant reformed religion established by law; and will you preserve unto the Bishops and clergy of this realm, and to the Churches committed to their charge, all such rights and privileges as by law do or shall appertain unto them or any of them?"

Their Lordships would observe that the Church was not spoken of in the singular as an Establishment, but that the Oath referred to "Churches," a distinct proof that it alluded to all the separate bishoprics, rectories, and other corporations sole. Now, on the Union with Scotland the same jealousy of Presbyterianism was evinced by Parliament; and accordingly an Act of 1706 for securing the Church of England as by law established was made part of the Act of Union, it being the 25th Article. The Preamble of that Act was in these terms—

"And whereas it is reasonable and necessary that the true Protestant religion professed and established by law in the Church of England, and the doctrine, worship, discipline, and government thereof shall be effectually and unalterably secured."

It then proceeded to enact that certain Acts of Elizabeth and Charles II., and all other existing Acts for the establishment and preservation of the Church of England and the doctrines, worship, discipline, and government thereof, should remain and be in force for ever. There was evidently the fullest intention on the part of Parliament to bind the Sovereign. The next section of the Article was as follows:—

"And be it further enacted, that every King or Queen succeeding and coming to the Royal Government of the kingdom of Great Britain, at his or her Coronation shall take and subscribe an oath to maintain and preserve inviolably the said settlement of the Church of England, and the doctrine, worship, discipline, and government thereof as by law established within the kingdoms of England and Ireland, the dominion of Wales, and town of Berwick-on-Tweed, and the territories thereunto belonging."

The Sovereign was to swear to maintain the settlement of the Church in England and Ireland. And it was further enacted—

"That this Act and all the matters and things therein contained be, and shall for ever be, holden and adjudged to be a fundamental and essential part of the Treaty of Union between the two kingdoms."

The Churches of England and Ireland had since been united; but this Article was still an essential part of the Treaty of Union between England and Scotland. Their Lordships would have observed that the Act of Anne, unlike that of William III., did not distinctly specify the form of oath, but simply enacted that "an" Oath of a particular nature should be taken; and at the Coronation of George IV. the terms of the Oath that had been taken by his predecessors was modified to accord with the Act of Union between Great Britain and Ireland; and on the Coronation of Her present Majesty the terms of the Oath were decided by the Privy Council, and Lord Cottenham, then Lord Chancellor, Lord Melbourne, then Prime Minister, the Marquess of Lansdowne, then President of the Council, and Lord Russell, Home Secretary, settled its precise terms. The Oath submitted to and taken by Her Majesty was this—every word of it being taken from the Acts of Union with Scotland and Ireland—

> "Will you maintain and preserve inviolably the settlement of the United Church of England and Ireland, and the doctrine, worship, and government thereof as by law established, within England and Ireland, and the territories thereunto belonging ?"

He could not understand how any one could hold that the disestablishment of the Irish branch of the United Church was consistent with the obligation imposed on the Sovereign by that Oath, nor how anybody could say that the Oath was not binding legislatively ? He begged their Lordships to remember the terms of the Act of Settlement, which were such as had never been imposed on a Sovereign before, for they provided that if the Sovereign became or married a Roman Catholic, every subject was absolved from his allegiance, and the Crown passed to the next heir as if the Sovereign so acting was dead. At a time when Parliament was in a temper to pass such an Act as that it was not likely to have considered very cautiously its own privileges at some future period. The Preamble to the Act of William III. threw further light on the matter, it stated—

> "Whereas, by the law and ancient usage of this realm, the Kings and Queens thereof have taken solemn Oath upon the Evangelists at their respective Coronations, to maintain the statutes, laws, and customs of the said realm, and all the people and inhabitants thereof in their spiritual and civil rights and properties ; but, forasmuch as the Oath itself, on such occasions administered, hath heretofore been framed in doubtful words and expressions, with relation to ancient laws and constitutions at this time unknown."

The spirit in which the Oath was framed was that there should be no "doubtful words and expressions," and the words "to the utmost of your power" would have no meaning if the Crown were debarred from refusing assent to any measure which it believed to be contrary to the obligations of the Oath. The feeling which existed at that time with reference to the obligation of oaths should also be considered, for it was notorious that one of the great objections to admitting Roman Catholics to any political privileges was that it was supposed they could always take any oath with a reservation. Owing to this belief the Oath of Allegiance passed in the same reign, and taken, till within the last few years, by all the Members of both Houses, showed in what manner Parliament held every Christian should take an oath. It prescribed that it was taken

> "according to the express words spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever."

It was unquestionably the intention of Parliament that the Coronation Oath should be taken in the same spirit. It must be borne in mind that the taking of the Oath was not the Sovereign's voluntary act, but was imposed upon her by the law, and that she could not avoid it, and, having taken it, was bound by it in the manner it prescribed. Considering, therefore, how the public mind was agitated on the subject, and the distinct opinion of many that Her Majesty was bound on the issue about to be tried in a particular manner, it was incumbent on the Government to remove, if possible, any impression unfavourable to Her Majesty which such a feeling might be creating with regard to any manner in which she might be called upon to act. His own feeling was that if he had sworn to maintain to the utmost of his power the settlement of the United Church of England and Ireland, and to preserve to the Bishops and clergy of England and Ireland, and to the United Church committed to their care, all such rights and privileges as by law appertained to them, he could not consent to the disestablishment and disendowment of the Irish branch of that Church. Such being his own feeling, he had felt bound to call on the Government for an explanation of the view they took of the Oath, and how they considered the provisions of the measure they had introduced consistent with its obligations, and to ask their intentions with regard to it—a question which seemed to him both pertinent and important.

EARL GRANVILLE: My Lords, this is the third time within the last twelve months that my noble Friend has invited me to discuss this question; but although I entirely disagree with my noble Friend in thinking it desirable constantly to discuss subjects of such delicacy as the present, yet, considering the earnestness with which he has addressed the House, and the strong feeling that he states to exist among many others, I wish to give him full information on the subject; but I hope he will not think me disrespectful if I do so very briefly. The opinion of Her Majesty's Government upon this subject is exactly that which my noble Friend deprecates. We believe that this Oath is imposed on the Sovereign in her executive, and not in her legislative, capacity. We believe, that, to give it the sense ascribed to it by my noble Friend, is to go against all that we can gather from history, against the spirit of the Oath itself, and against the very essence of the Constitution. Remembering the circumstances under which the Oath was imposed by Act of Parliament at the very beginning of the reign of William and Mary, it is almost impossible to believe that the object of those who imposed it was such as my noble Friend describes. It is impossible they should have intended that all our ecclesiastical laws should be, as it were, stereotyped, and that, whatever the wishes of the nation might be under different circumstance, the Sovereign should be obliged to maintain all existing arrangements. So far, indeed, from being shaken in that view by the extracts quoted by my noble Friend as to the debates in the House of Commons at that time, it seems obvious to me that the House objected to Mr. Pelham's proviso because they wished to leave full liberty of action to Parliament and the Crown with regard to legislation in the future. Moreover, taking a constitutional view, it appears to me a monstrous doctrine to maintain that, when a Sovereign has appealed to Divine Providence with regard to a compact made between herself and her subjects, if those subjects declare, through the votes of both Houses of Parliament, their wish to depart from that compact, the Sovereign can, under no circumstances, be relieved from her compact. To hold that she could not would be to place the Crown in a position which, under possible circumstances, would lead to nothing but anarchy and revolution. If the noble Lord's interpretation be taken as sound, the Sovereigns of this country, during the last forty years, have repeatedly violated their Oath. For nearly half-a-century, however, the great majority of educated persons have regarded this matter as settled in the sense in which I have described it. My noble Friend wishes us to pass an Act to relieve Her Majesty's conscience. [Lord REDESDALE said, he had merely inquired the intentions of the Government, leaving them to judge of what was required.] It is decidedly not our intention to propose such a measure. I cannot conceive any reason for making such a proposition, either on the principles I have laid down or on the principles of the noble Lord himself. The words of the Oath taken by Her Majesty have never been imposed by any Act of Parliament. [Lord REDESDALE dissented.] They differ from the words of the Oath taken by George III., and also from those in the section of the Act of William and Mary. I could not at first myself account for the discrepancy; but only a few days ago my noble and learned Friend on the Woolsack explained it to me. A great alteration was made in the state of the Church of England at the beginning of this century, it being then united with the Church of Ireland. Some of your Lordships may think that that was an advantage for the Church of England; but I have always been of opinion that it has never done the Church of England any good, and that at this moment it is doing it much harm. That alteration was made, notwithstanding the Oath which George III. had taken; and when George IV. was crowned the Archbishop of Canterbury suggested a change in the terms of the Oath. Lord Eldon being then Chancellor, it was referred to the Law Officers of the Crown, of whom Lord Lyndhurst was one, to know whether the Privy Council was competent to alter the words? They gave an opinion in the affirmative; and accordingly the additional words required to introduce the Church of Ireland were inserted, not by legislative enactment, but by an Order in Council. Thus, as far as precedent, the form of Oath has followed legislation, and not legislation the form of Oath. The noble Lord does not wish us to legislate; and it would be perfectly unnecessary, for it would be competent for Her Majesty's successor, by an Order in Council, to restore the words relating to the Church of England as they stood before the two Churches were united.

Whether, therefore, the noble Lord's principle be taken or mine, legislation on the subject, I must say, would be a perfect farce. If I am right in thinking that the Sovereign is released by the voice of her people, as shown by the votes of both Houses of Parliament, nothing can be plainer than that it is sufficient to present a Bill on the particular point which they wish to be changed; but if, as the noble Lord thinks, there is some abstract obligation on the Sovereign—something between her and her God—which no arrangement between her and her subjects can alter, it is quite clear that any Bill altering the Oath would be uttterly inefficacious. It is certainly not our intention to introduce any measure on the subject.

Lord REDESDALE remarked that the Church in Ireland was included in the Act of Anne.

Earl GRANVILLE thought the Act of Anne referred to the Churches of England and Scotland.

Lord REDESDALE said, the Act incorporated in the Treaty of Union distinctly referred to the settlement of the Church in England and Ireland. He had asked the Government whether they intended to legislate on the subject, because it was the opinion of some that an obligation could be removed by the same party that imposed it, and possibly Sovereigns might consider themselves thus released from an Oath: though he did not know that he himself should take this view. It was, however, a very different thing to say that, because a Bill was passed by both Houses on a particular subject, the obligation of the Oath in the matter was removed.

GOVERNMENT OF INDIA ACT AMENDMENT BILL.

PRESENTED. FIRST READING.

The Duke of ARGYLL: My Lords, I have to lay on the table a Bill the object of which is to alter the tenure by which members of the Council of India hold their offices, but which does not, with one exception, propose to make any alteration in the functions or powers exercised by that body; and this being a point of some importance, I am anxious for a short time to crave the attention of the House. I should not, however, have thought it necessary to offer any observations, had not the noble Marquess opposite (the Marquess of Salisbury) suggested, on the second reading of a Bill the last stage of which is fixed for to-night (Governor General of India Bill), that it should be followed up by the second Bill introduced by the late Government, and that it would be expedient, if not necessary, to deal with the financial veto of the Council of India over the Secretary of State. Having examined the question as carefully as we could, it is the opinion of Her Majesty's Government that no change in that respect is necessary; although I am bound to admit that, if the present law were precisely such as the noble Marquess described it, I should agree with him in the necessity of amending it. I cannot better state the question which he has raised than by quoting the words he used in a speech delivered at Manchester last autumn; and I do not quote them for the purpose of controversy, but simply in order to explain to the House, in language the clearness and precision of which could not be exceeded, the exact point which we have to consider with regard to the financial veto of the Council. The noble Marquess said—

> "I do not know whether it is sufficiently carried home to your minds that in reference to every question in which expenditure is involved—that is to say, as you well know, in reference to every question of every kind, because I believe there is hardly any question in which expenditure is not involved directly or indirectly—the Indian Council have the power of absolute and conclusive veto by a bare majority over the decision of the Secretary of State."

That, in the opinion of the noble Marquess, is the present law; and, if that were, indeed, the fact, I should quite agree with him as to the necessity of dealing with it. I hope, however, to satisfy the House and the noble Marquess himself that he has been somewhat misinformed. In the first place, it is to be observed that the 3rd clause of the Act of 1858, which transferred the nominal government of the Company to the Crown, specifically deposited, not in the Secretary of State in Council, but in the Secretary of State alone, all the powers formerly exercised by the Court of Directors and by the Board of Control, whether jointly or separately, "save as hereinafter otherwise provided"—that is to say, except as altered by the subsequent clauses of the Act. Now, two questions arise from this enactment—what were the powers formerly exercised by the Board of Control, and how far were those powers altered or affected by the subsequent clauses of the Act of 1858? As to the first point, I need hardly remind the noble Marquess that the powers formerly vested in the Board of Control were absolutely despotic. By Mr. Pitt's Act of 1784 the whole power of the Government of India as well in the disposal of the revenues of India as in other matters were vested supremely in the Board of Control, and this in three different ways — First, the Board might alter to any extent it pleased any draft despatch drawn up by the Court of Directors; secondly, if the Court of Directors kept silence upon any question and refused to send in any draft despatch within fourteen days after a demand to that effect, the Board had the power of drafting a despatch itself and sending it to the Directors, directing its transmission to India; while, thirdly, through the machinery of the Secret Committee upon all purely political questions which were defined by the Act, it had the power of itself issuing orders directly to India without their going through the hands of the Court of Directors at all. The Board of Control, therefore, as representing the Crown, was under that Act absolute and despotic on all questions affecting the government of India, including the disposal of its revenues. It may be asked, was there no limitation whatever on this power; was there no financial veto left to the Company over the government of the Crown? To that, I reply, that by an Act passed four years subsequently such a veto was actually given; and this Act and the circumstance under which it arose show plainly the origin of that veto and its nature and extent. Very shortly after the passing of the Act of 1784 there was a serious danger of war with France, and alarm being felt in this country with regard to the safety of our Eastern dominions, the Government of Mr. Pitt proposed to send out four regiments for their defence. The proposal was at the time agreed to by the Court of Directors; but, the alarm passing away, they said they no longer required these troops, and refused to pay for them. Mr. Pitt told the Court of Directors they had no right to refuse to pay, as the Government had the right to send the troops for the safety of the dominions of the Crown. The Directors, however, took counsel, which to a certain extent fortified them in their opinion; and it was argued that the terms of the Act of 1784 were so general that they did not necessarily imply that the Board of Control had power to order payment for these troops out of the revenues of India. The consequence was that Mr. Pitt applied to Parliament, not for a new enactment, but for an Act declaratory of the intentions of the previous Act—the very question raised by the noble Marquess being thus raised in 1787-8 by the Court of Directors against the power and influence of Mr. Pitt. One of the most memorable debates of that most memorable time arose upon this, the Bill being vehemently opposed in one House—and indeed to some extent in both — and it being ultimately carried by majorities which, though considerable, were smaller than those which Mr. Pitt then had at his command on other subjects. Mr. Pitt avowed — for the first time, as Mr. Fox said—that he meant by the Act of 1784 to take into the hands of the Crown the complete and absolute control of the Government of India, including the disposal of its revenues. But objections being urged against the scope of this declaratory Act, he agreed to introduce two clauses defining certain circumstances and cases in which the Court of Directors were to have a financial veto on the action of the Crown. Mr. Pitt, having stated in the broadest terms his desire to keep in the hands of the Crown the whole government of India, made this answer to the objections that had been urged—

> "The next objection which had been stated as dangerous to the Constitution was the possibility of the Commissioners perverting the application of the revenues of India, for the purposes of creating undue influence, by directing any increase of salaries or perquisites of their servants abroad; or in the improper distribution of gratuities, to the prejudice of the true interest of the service. With respect to these he was extremely desirous of providing every check, and for this purpose he had prepared two clauses; the first was to prohibit any increase of salary to the Company's servants abroad; the other was to prohibit the Board from ordering any gratuity, &c."—[*Hansard, Parl. History,* xxvii. 152.]

Two clauses were accordingly inserted which defined the financial veto which he proposed to leave in the hands of the Court of Directors. They were in these terms—

> "It shall not be lawful for the Commissioners for the affairs of India to give, or cause to be given, any directions ordering or authorizing, by

any despatches sent to India, the increase of the established salaries, allowances, or emoluments of any office in the service of the said Company beyond the amount at which the same are now fixed by the Court of Directors. It shall not be lawful to give, or cause to be given, any extraordinary allowance or gratuity, &c."—[28 *Geo.* 3, c. 8. s. 3.]

Now, it is obvious that the object of this veto was to prevent political jobbery—to prevent the Minister of the Crown from using the revenues of India for the purpose of acquiring political influence by bribing the servants of the Company. That was unquestionably the only financial veto of the Company up to 1858. The question next arises, what was the change made by the Act of that year? I must remind the House that the avowed object of that Act was to transfer whatever remained of the nominal government of the Company to the Crown; and I need hardly say that, if anything in it really had the effect supposed by the noble Marquess, Parliament must have utterly failed in that object, for, instead of transferring to the Crown all such powers as remained in the Company, it must have transferred to the majority of the Indian Council the whole power of political administration, as far as that administration affects the administration of the revenue. That, surely, is not a very likely interpretation to put upon any words of the Act of 1858, for it is morally impossible that Parliament intended to give the majority of the Council powers which were never exercised nor claimed by the Court of Directors, and which would virtually place the whole administration of India, so far as expenditure is concerned, and including, of course, the power of peace or war—powers formerly possessed by the Crown—in the hands of a majority of the Council. It was absolutely impossible that such could have been the intention of the Government. As a member of Lord Palmerston's Administration I can say that such was not the intention of that Government; and, I believe, it was quite as little the intention of the Government of Lord Derby, which actually had the conduct of the measure that transferred the government of India from the Company to the Crown. What is the excuse for this interpretation of the Act of 1858? The words are simply these—and your Lordships will observe how closely they follow the obvious intention and purpose of Mr. Pitt's original financial veto—

"The expenditure of the revenues of India, both in India and elsewhere, shall be subject to the control of the Secretary of State in Council, and no grant or appropriation of any part of such revenues . . . . shall be made without the concurrence of a majority of votes at a meeting of the Council."—[21 & 22 *Vict.* c. 106. s. 41.]

The words are "no grant or appropriation." I take it the word "grant" is strictly parallel with the financial veto as defined by Mr. Pitt. It means the grant of money to individuals, the increase of salaries, or the making, without the consent of the Council, of any gifts which may be perverted for political purposes. The word "appropriation," I admit, is not quite so clear; but I think that those who drew the Act were hardly aware of the manner in which financial operations are conducted by the Government of India. In this country, of course, all expenditure is voted by Parliament, and an Appropriation Act is passed sanctioning the application of the money to particular purposes; and I quite admit that, though the Secretary of State would have the power to order any services to be performed, yet, if the majority of the Council could veto the payment for those services, they would have it in their power to checkmate the power of the Secretary of State. But, according to the usual practice of the Government of India, no system of vote or appropriation is necessary for the payment of services in India, and it is the opinion of all whom I have consulted, including the Law Officers of the Crown, that under the present statute it is unquestionably in the power of the Secretary of State for India to order in India any service which may appear to be required. Payment for this service is made in India, and the disallowance of that payment is not competent to the Council, without the sanction of the Secretary of State. It follows from this argument—which I believe to be well founded both upon the historical facts of the case and the words of the Act—that the Secretary of State is supreme in all matters whatever, except simply such matters as were included under the principle of the financial veto of Mr. Pitt—that is, direct grants or appropriations of money to persons either here or in India which might be made for purposes of political jobbery. That I believe to be the state of the law; and if it be, I need hardly say that it makes the Secretary of State practically supreme in all matters, whether they do or do not cost money—because there is no question that with regard to political services which do not cost money he is absolutely supreme, and may even send out despatches without the knowledge of the Council at all; the only restriction being that if he over-rules the majority of his Council on any question, except those that would formerly have come before the Secret Committee, he is bound to record his reasons, which is, I think, a very reasonable precaution against rash or hasty decisions on the part of the Secretary of State. Having said so much, I need hardly proceed further to explain that we do not think it necessary to diminish at all the power of the Council as it now stands, which is simply a power of advice and consultation, the Secretary of State being able in all matters to over-rule the Council; only, as I have said, if he does so he must record his reasons for taking that course. I confess that I have sometimes been pained by the language which is frequently used towards the Council of India. I am quite aware that every body which does not sit and act and vote in public is liable to considerable misapprehension and considerable jealousy. I must add that the Council of India, although as to all their acts the Secretary of State is strictly and exclusively responsible to Parliament, are necessarily exposed to considerable jealousy and even sometimes to considerable animosity, on account of the course which the Government is sometimes compelled to take with regard to the schemes of persons who may have projects of their own—with respect, for example, to commercial undertakings. I will mention a practical instance with which, I believe, the noble Marquess is not wholly unacquainted. During the few months I have had the honour of holding Office I have received three or four Petitions from some of the most popular Chambers of Commerce in England—and many more were addressed to the noble Marquess and to my immediate predecessor, Sir Stafford Northcote—in favour of a survey for the purpose of making a telegraphic or railway communication between Eastern India and Western China. Now, at a time when the hands of the Government of India are more than full of schemes of railway and telegraphic communication in their own country—schemes for which it is extremely difficult to provide the necessary funds—I fear the day is still very distant when we can enter into projects of communication between Eastern India and Western China. At the same time, being myself fond of geographical discovery, I should be glad to see an exploring expedition which might give us important information with regard to these countries. But when the proposal came before the noble Lord who has recently become a Member of this House, with such advantage to its deliberations, and who was then Governor General (Lord Lawrence), he interposed the strongest objections to the scheme. He said that the country was occupied by warlike and barbarous tribes, that the exploring party would be exposed to difficulty and danger, and that a most expensive border war might be entailed upon us by the proposed survey of the countries lying between Eastern India and Western China. The various Chambers of Commerce have, I believe, been urged to make this request chiefly by a gentleman who is most enthusiastic on this subject, and the refusal to comply with the Petitions which they have presented has been attributed to Members of the Council. Now, I believe that, under the powers I have described to your Lordships, it would be competent for the Secretary of State at this moment to order that such a survey would be undertaken. The cost would be defrayed out of the revenues of India, and the payment could not be disallowed by the Council. But I confess that, for my own part, I am not willing to be responsible for over-ruling the decision of the Indian Government that such an expedition would be highly inexpedient, because extremely dangerous; involving us, perhaps, in a costly border war, and putting us perhaps to the cost of another Abyssinian Expedition to recover the officers who might be captured in making the survey, or in avenging them if murdered: I say I am not prepared to over-rule upon that question men who must necessarily be far better informed than Chambers of Commerce in this country. I only mention this as one of the cases in which objection has been made to the course of the Indian Government—that course being attributed to the Council, whereas the responsibility really rests with the Secretary of State. I shall now proceed very shortly to explain the nature of the measure which I am about to lay before your Lordships. The Council of India being, as I have said, a Council not generally of control, but mainly of advice, it is most important that the Council should be strong, and, above all, fresh in Indian experience. The noble Marquess (the Marquess of Salisbury) said the other day that the responsibility of the Secretary of State ought to be only checked by the ordinary checks of constitutional government in this country; but I entreat the noble Marquess to remember that the Departments of the Government in this country are practically so overworked that it is almost impossible, except upon the very greatest questions, to bring the opinions of the Government to bear upon questions of Indian administration. Upon some great question it is, of course, the duty of the Secretary of State for India to fortify himself by the opinion of his Colleagues; and, in forming that opinion, it is most important that the Cabinet should have before them the opinions of a body of men who have had personal experience in India, and who enjoy a perfect and intimate knowledge of all the difficulties which beset the various questions to be dealt with. I must add that, with regard to the great bulk of Indian questions—even those of such importance as to affect taxation, the religious customs of the people, and, above all, the land tenures of India—the Secretary of State is practically left alone to consult with the members of the Council, and it is therefore most important that they should form a strong body, possessing all the knowledge and the fresh experience which it may be possible for Parliament to secure. I cannot doubt that the life tenure under which the members of Council now hold office is adverse to this object in this respect, that it deprives us of that quicker current of Indian experience which it is most desirable the country should have. If Indian officials who have seen much service are appointed to the Council for life when they come home, it is almost a necessary consequence that the Council should in time become unduly old. But things are changing very rapidly in India. A popular writer speaks of "the unchanging East;" but as regards India that expression is no longer accurate. India is no longer "unchanging," because European civilization and inventions are being rapidly introduced into that country; railway communication is altering the whole condition of society; and every question of finance, together with many questions even of land tenure, are affected by these changes. It is therefore necessary that the members of the Council should have both an intimate and a recent experience of India; and, for these reasons, the Government agree with their predecessors in thinking that the tenure of office should not be for life, but for a fixed period of years, and we propose that the period should be one of ten years. The Bill provides, as an almost necessary corollary, that members whose term of office has expired should not be eligible for re-appointment except under certain special conditions. It is obvious that, if you make the members of the Council eligible for re-appointment after the expiration of their term, there will be a serious risk that their re-appointment will become a matter of course—it would be an invidious thing not to re-elect those whose term of office had expired—and it appears to me that, upon the whole, you will have obtained at the expiration of ten years the best services that can be got from a man who has already served a considerable period in India, and that it is desirable that at the end of that period his services should cease. It must at the same time not be forgotten that a large portion of the Council need not be composed of "old Indians"—of men who have been already in that country. The majority of them must be men of Indian experience, but seven of them may be persons who possess no such experience; and it is unquestionably the fact that, at the end of ten years, if you introduce young men into the Council, you will be obliged to part with the services of some individuals who may be even better for the purposes of the Council than when they were first introduced into it. For this reason the Government propose to insert a clause in the Bill which will permit the Secretary of State to re-appoint, for a further period of five years, any member in respect of whom he shall be able to place on record a Minute to be laid before both Houses of Parliament stating that his re-appointment is desirable in the public interest. With that exception, we propose that the period of service should terminate at the expiration of ten years. The late Government proposed that the salary of a member of the Council of India should be raised from £1,200 to £1,500 a year, and that the system of pensions, which, as it now stands, is placed on an awkward footing, should be abolished altogether. We, having considered that proposition, are of opinion, on the whole, that no adequate reason exists for increasing the salaries of members of the Council. We believe that £1,200 a year is a sufficient sum to secure the services of the very best men, seeing that the duties to be discharged — though the work is undoubtedly of the very highest importance—are not very arduous, and that responsibility of the highest degree does not attach to their performance. We concur with the late Government in thinking that it is not necessary to continue the pensions on the very awkward footing provided by the existing law. No pension is allowed for any particular term of service, but it was open to any member of the Council, who might be wholly incompetent for the performance of the duties of his position in body or mind, to retire on a pension of £500 a year, on obtaining a medical certificate to that effect. Now, there are many men who, in the natural course of things, can be hardly what they once were, but who would, nevertheless, decline to apply for a medical certificate—and who, perhaps, could not obtain one if they did—stating that they were wholly incompetent in body or mind; and thus it comes to pass that members of the Council may be placed in a position which is embarrassing to themselves, and is inexpedient for the public interests. Considering, however, that the present members have a Parliamentary title for life, we propose that, although there should be no pension for the future, such of the present Councillors as may choose to do so may, after a period of ten years, retire on a pension of £500 a year. With these alterations the Council of India will, I believe, be better able to perform functions which are very important, although not quite so high as they have been described to be by the noble Marquess, and will be better able to advise the Secretary of State in the discharge of the immense responsibility which rests upon him in the exercise of those large powers which the law has given him over the government of India.

The noble Duke then *presented* a Bill to amend in certain respects the Act for the better government of India.

THE MARQUESS OF SALISBURY: The remarks which the noble Duke has made on some observations of mine render it necessary that I should say a few words on this occasion, with which I should not, under other circumstances, have troubled the House. I am extremely glad to find that the noble Duke has thought fit to consult the Law Officers of the Crown, and that he has ascertained that the powers of the Council are not so anomalous as I imagined them to be. I must, however, in my own justification, state that, although I did not go through the formal process of consulting the Law Officers of the Crown, I did not come to the conclusion on the subject at which I arrived without taking what I believed to be the very highest opinion on the matter, and without knowing something of the minds of those who framed the measure of 1858 and pushed it through Parliament. After having taken such steps as I deemed to be sufficient to learn their views, I thought that the Bill did what it was intended to do from its wording—place the Secretary of State in relation to his Council much in the position which the Crown occupies in reference to the House of Commons; that is to say, that he was not restrained formally from doing any act by the provisions of the law, but that the power of the purse was given to the Council—thus making them like the House of Commons in matters of high policy practically supreme. This was the conclusion at which I arrived; but I do not think it necessary to dwell on what appears to have been an error, and I am glad to hear the statement on the point which we have heard from the noble Duke, because it appears to me to put a very satisfactory termination to the controversy. We are now informed that the Secretary of State is alone responsible for all the acts of the English Government in the government of India, and if any observations which I have made have led the noble Duke to adopt the course which he has done with a view to clear up the matter, I cannot regret that I have made them. As to the Council generally, I entirely concur with the noble Duke in thinking that a great deal of injustice is often done to them in attributing to them acts which are really the acts of the Secretary of State or of the Indian Government; and there is this advantage in clearing up the law on the subject—that responsibility henceforth will entirely be thrown by public opinion on the shoulders of those by whom it ought to be borne. With respect to providing means of communication with Western China, I also agree with the noble Duke in the decision which he has come to, and the reasons for that decision which he has given. It is most desirable, in my opinion, that facilities of communication should, as far as possible, be promoted with Western China; but I, at the same time, feel that it would be highly impolitic to allow any commercial interests whatever to lead us to adopt a course which might bring upon us the disgrace —I can use no lighter term—the misery, and the cost of another war like that in Abyssinia. The noble Duke has, therefore, in my opinion, acted rightly in coming to the conclusion, if he has received information that this enterprize would be attended with danger, to suspend its prosecution for the present. I would, however, entreat him, in the event of seeing his way to its prosecution at some future period, without running those risks to which he has referred, not to confine his views entirely to the construction of a railway between Rangoon and the Western States of China. The nature of the country would, I believe, render the construction of a railway next to impossible except at a frightful cost; but it by no means follows that, because a railway is impossible, an ordinary road would be impossible also, and, if a fair-weather road were constructed it would, of course, tend to the increase of commerce. I quite admit, however, that if the native States do not assent to the construction of such a work, the plea of the danger likely to be incurred is absolutely conclusive, and that so long as things are in that position the enterprize must be dropped. As to the Bill, the provisions of which the noble Duke has just explained, I would observe that I should like to see it contain a clause for the purpose of remedying a defect which, I think, exists in the present constitution of the Council of India—I allude to the mode of their appointment. They cannot be appointed, as Lord Palmerston originally intended, by the Crown alone; and the power of re-election was conceded by the Government of 1858, under circumstances of great peculiarity, to obtain a temporary object. I do not at all blame the Government of that day for making the concession, for without it they could not arrive at any satisfactory legislation on the subject; but, as times have changed, the reasons which justified that course have disappeared, and I can now see no reason why these should form an exception to all other appointments, and why they should not be bestowed by the Crown, which is by far the fittest agency to discover and reward merit. I trust, therefore, the noble Duke and the two Houses of Parliament will take the question into consideration whether there is any ground for maintaining in this respect for a longer period the present anomalous state of things. There is another point, which, perhaps, will be discussed more appropriately in the House of Commons than in this House. I doubt whether the pension of the members of the Council, under the restricted terms of their offices, will be large enough to secure the services of the best men. [The Duke of ARGYLL: We propose that no new pensions shall be granted in future.] The noble Duke has the best means of getting information on the subject, but the pensions as fixed are lower than they were originally fixed by the Government in 1858; and now that there are to be no pensions in future I fear you will not be able to obtain the best advice India can afford for a salary of £1,200, which must terminate at the expiration of ten years. No one will give up a lucrative appointment, or the prospect of it, for such a salary, and you will, therefore, be driven, I am afraid, to the selection of an inferior class of men. Now, I thoroughly concur with the noble Duke as to the desirability of having a person occupying the position of Secretary of State—who is so isolated in the responsibility which he has to bear under our Parliamentary system, and who has frequently to bear that responsibility with so little previous preparation—surrounded by men of the highest character and eminence, as has hitherto been the case, to aid him with their counsel. I hope, therefore, the noble Duke will further consider the question of pensions; for, depend upon it, there is no money the people of India will look upon as being better laid out, or which they can better afford to pay, than that which procures for them the best government England can give them; while there is no economy they would have so much cause to regret as that which would result in having inferior Councillors installed at the India Office. Before the Bill passes into law this point will, I trust, receive the serious consideration of the Government; in other respects I think the changes proposed are likely to prove beneficial.

VISCOUNT HALIFAX said, he wished to make some remarks on several points referred to by the noble Duke, and he hoped their Lordships would be of opinion that he was warranted in doing so, in consequence of his experience of upwards of six years as Secretary of State for India. An Act was passed for establishing a Council under the Government of Lord Derby, in 1858; and he was bound to confess that at the time that measure passed he did not entirely approve the proposed constitution of the Council. He should, however, be most unjust and ungrateful to the members of the Council if he did not avow that subsequent experience entirely changed his opinion on this point, as the Council had on all occasions discharged its functions with the utmost efficiency and fidelity. In his belief a Council of advice for the Secretary of State for India was indispensable. Under our Parliamentary system the Secretary of State must be a Member of one or other House of Parliament; and it was very seldom that the previous experience of Members of Parliament was of such a nature as to give them a special knowledge of Indian affairs, and to enable them to deal in a satisfactory manner with a vast population differing in race, language, and religion, not only from us, but also among themselves; and as India must be governed despotically both for our own sake and still more for the sake of the natives, it was indispensable that the Secretary of State should have the means of procuring trustworthy advice. That Minister might indeed derive advice of some sort from persons acquainted with India whom he might accidentally meet, or whom he might invite to his aid, but this would not adequately answer the purpose in view. It was essential that the Indian Secretary should have the benefit of the advice of the best Indian servants, acting under that sense of responsibility in giving such advice as their position on the Council necessarily imposed upon them. Without the assistance of such a Council he did not think the duties of the Secretary of State could be properly performed. He was also of opinion that the changes in the Council should be more frequent than they were at present. In old times, he might remark, India was, perhaps, the most unchangeable country in the world; but since the Mutiny great and constant changes were constantly occurring. Now, it happened that up to the time of his ceasing to hold the office of Secretary of State for India, in the beginning of the year 1866, only three vacancies had occurred in the Council; so that very rare opportunities had occurred for the introduction of new blood, and yet it was essential that members should from time to time be appointed who had a more recent knowledge of what was going on in India than those who took their seats many years ago. Therefore the present length of tenure of office did not, in his opinion, afford sufficient opportunities for change in the members of the Council. He did not himself believe there would be any difficulty in securing the service of the best men. There were a great many men who, on returning from India, found themselves in a somewhat anomalous position. In India these gentlemen had administered large provinces and wielded great and extensive powers over districts larger than four or five English counties; but when they came to England they found themselves in a position by no means satisfactory, and consequently they would be very glad to accept a post of honour and distinction connected with the country in which their services had been performed and the greater portion of their lives spent. This, he had little doubt, would be the result, even if the tenure of the office were limited in the way proposed by the noble Duke. He was inclined to think that pensions were not necessary; but, of course, this was a matter of detail to be considered hereafter. It was, he thought, most desirable to reserve the power of re-appointment for a limited period in certain exceptional instances, for he was acquainted with some cases in which men became much better Councillors after serving ten years than they were on their first appointment. Many Indian servants were only acquainted with that part of the country in which they had themselves served; but after sitting in the Council they became more or less acquainted with what was going on in all parts of India. Other gentlemen possessed of knowledge of other matters —of finance, for instance—but unacquainted with India, had become most valuable members of Council, from having in the Court of Directors learnt much of Indian affairs. He had no hesitation in saying that the oldest member of the Council at the time when he was Secretary of State—namely, Sir Charles Mills, a well-known banker in London, and an old East Indian Director—was the one whom he should have found it the most difficult to replace. Indeed, his successor (Sir Stafford Northcote) had found it impossible to replace him by any person possessing similar qualifications. He thought, therefore, that the power of re-appointment for a limited term in exceptional cases was very properly reserved by the noble Duke's Bill. With regard to the working of the system, he might mention that he had been always supported by a large majority of the Council, and had never failed to obtain their support on all questions of importance. His firm conviction was that any Secretary of State, who fairly and honestly discharged his duties would never experience the slightest difficulty with regard to his Council.

LORD LYVEDEN said, the scope of the Bill was somewhat too narrow. Its object was simply to limit the duration of the tenure of office of the members of Council to ten years. The Indian Council required many other alterations in it. It should be nominated by the Crown, and although with regard to the period of office he did not object to the term of ten years, he thought it desirable that the persons selected for the appointment should be officials who had returned from India within five years before the date of their appointment. The number of members should be more limited than was proposed, fifteen being far more than was necessary; whereas, only eight were thought necessary in the Bill introduced by Lord Palmerston's Ministry, of which himself and the noble Duke were members. He now came to the Question which he had given notice of his intention to put to the noble Duke, with respect to our relations with Affghanistan. Much misconception appeared to exist in the public mind on the subject, and it was very desirable that the noble Duke should distinctly state what had occurred in the matter. One of the most fatal events which ever happened was our selecting, some thirty years ago, Shah Soojah as the ruler of Affghanistan—that choice was the beginning of all the disasters which afterwards occurred in that country; and he wished, therefore, to know the facts connected with our having accepted the present Ruler of Affghanistan. He would take the liberty of reading to the House the words used, in 1842, in a Proclamation from India, by a noble Lord (the Earl of Ellenborough)—whom he regretted not then to see in his place—and which were deserving of attention as bearing on that subject. Those words were these—

> "To force a Sovereign upon a reluctant people would be as inconsistent with the policy as with the principles of the British Government, tending to place the arms and resources of that people at the disposal of the first invader, and to impose the burden of supporting a Sovereign without the prospect of benefit from his alliance. The Governor General will willingly recognize any Government approved by the Affghans themselves which shall appear desirous and capable of maintaining friendly relations with neighbouring States."

He hoped that in recognizing Shere Ali as Ruler of Affghanistan it was the intention of our Government to act in accordance with the principle laid down in the extract he had just read. He wished, therefore, to ask, firstly, whether any guarantee, expressed or implied, had been given to assist Shere Ali in maintaining his present position; secondly, for what purpose, and on what terms, the sum of money lately given to Shere Ali had been given by the Indian Government—as it had been represented to be a subsidy by certain portions of the Press; and, thirdly, whether any Consul or other British agent was to be established at his Court? It was most desirable that the exact position in which we stood in that matter should be accurately known, and therefore he hoped he should not be thought to be introducing an irrelevant subject if he asked the noble Duke for distinct information on these points, as it was most important that they should not—to use a phrase which his noble Friend the Foreign Secretary had made classical—be "drifted into a war" without their knowledge, as had happened on a former occasion.

THE DUKE OF ARGYLL: My Lords, I am very happy to assure my noble Friend (Lord Lyveden) that his fears and suspicions in respect to the proceedings in Affghanistan are wholly groundless. We have only heard by telegraph of the meeting between Lord Mayo, Governor General of India, and the Ameer of Affghanistan. I think it would be an extremely dangerous thing to govern by telegraph, or even to reply in Parliament upon telegraphs; but I have every reason to believe that Lord Mayo has consistently pursued the same policy of non-intervention and of the avoidance of entangling engagements, which was pursued by my noble Friend the late Governor General of India (Lord Lawrence). So far as my own instructions to Lord Mayo are concerned, they certainly have been to avoid all entangling engagements for the future with Affghanistan, and to maintain the British Government and the Government of India perfectly free in regard to that and other conterminous States. With reference to what passed in the time of my noble Friend (Lord Lawrence), my noble Friend himself will be best able to answer for it; but this much I believe I may say, that my noble Friend telegraphed to Sir Stafford Northcote, then at the head of the India Office, and asked his permission to give certain pecuniary assistance to the Ameer of Affghanistan, and Sir Stafford Northcote replied, on behalf of the Government of Mr. Disraeli, that my noble Friend might pursue his own policy, and that they trusted entirely—as they might well do—to his knowledge and judgment. Having said so much in regard to that subject—on which, of course, I shall be able to answer more fully when we receive the official dispatches of Lord Mayo giving an account of the interview with the Ameer—I will refer to one or two of the questions raised by the noble Marquess (the Marquess of Salisbury) and my noble Friends behind me. In respect to altering the number of the members of the Indian Council, I cannot say that Her Majesty's Government have any decided opinion that the Secretary of State could not possibly get on with a smaller number of Councillors than fifteen. But this I may safely say, that, considering the immense variety of subjects involved in the government of India—questions of land revenue, questions of military armament, questions of the discipline of native troops, questions of land settlement, and questions of general revenue and finance—I do not think that number is at all excessive for the business to be transacted. Every week we have to decide on questions of administration, of land revenue, of military expenditure, military discipline, and other matters which affect the happiness and the dearest interests of millions of our fellow-subjects in India. I say, therefore, it is desirable, if not absolutely necessary, that the Secretary of State should have at hand, and at his command, the very best advice from the different parts of India and the different branches of administration which it is possible to procure. Remember this, my Lords, that the business of the Council of India is carried on through Committees. You have a Military Committee, a Finance Committee, a Land Committee, and so on; and it is very necessary that the various members of those Committees, some of them having special knowledge, should serve in turn on all these branches. Therefore, although I was a member of the Government which proposed originally a very much smaller number, the experience which I have gained in Office leads me to believe that the number is not too great; and for myself I must say, whatever noble Lords opposite may think, that I am a very great Conservative with regard to institutions which I find practically working well. I think it very convenient that some such number as the present should remain, although you can hardly find two persons who will agree as to the abstract question. I believe the Council works very well; it is full of Indian experience on all the various branches of the administration of the country, and I see no advantage in changing the numbers.

LORD LAWRENCE: My Lords, I readily avail myself of this opportunity of giving, in as few words as I can, the various ideas suggested to me in the course of this debate. With regard to the Bill now before your Lordships, I must say that its general principles quite agree with my views, my experience, and my judgment. Independent of the lengthened period which I spent in India, I also served in the Council of India in this country five years, and I entirely agree with the noble Duke (the Duke of Argyll) that it would never answer—that the work could never be done efficiently and properly—if the Council were to be diminished in a considerable degree. In fact, I might almost most say that it would be an advantage to increase the number beyond fifteen. The noble Duke has enumerated some of the different committees into which the Council is divided. I believe at present there are no fewer than eight committees, and every member of the Council has to sit and act on those committees. If the work which comes before the committees were to be carefully analyzed, it would be found that no member could acquit himself thoroughly with regard to the subjects brought before the different committees without a diligent attendance of five or six hours in the Council; and the duties of Chairman, which in my time were taken in rotation, required from seven to eight hours a day. Nobody will think that I mean to disparage the honour or disinterestedness of the gentlemen who served in the Council of India with myself, or of those who may hereafter be appointed; but I must confess, as far as my own feelings are concerned, I should infinitely prefer that the Secretary of State should nominate in all cases, rather than I should be one of fifteen to elect the members of the Council. Then, as regards the allowance to members of the Council, I agree with the noble Duke in thinking—considering the circumstances of the gentlemen who retire from the Indian Administration, civil or military—that the Secretary of State is almost sure to get the services of any of them whom he may desire to ask. Most of the gentlemen who have served in India come home with a bare competence. The pay a man receives in India does not enable him to accumulate more than a very moderate sum; and the pension he has earned, however responsible may be the post he has held, is also very limited. To the best of these men, therefore, £1,200 a year is a very considerable allowance. There is one portion of the Bill, however, to which I object, and that is the taking away of pensions prospectively from those who are to be appointed hereafter. There are two things which lead to the retirement of members—one is their age, the other sickness. Now, it strikes me that it would be a far better arrangement to give a pension of £500 a year after ten years' service, and to provide that persons worn down, in a period of less than ten years, should receive a pension calculated rateably on £500 a year for ten years' service. It is of the highest importance that every one in the Council should be thoroughly fit both in mind and body to do his duty; but, by men of a limited income, it would be felt as a great hardship to be called upon to retire, and to them the loss of salary would be a very serious matter. But such a feeling would be greatly mitigated by the knowledge that, in being induced to retire, a member of the Council would receive some compensation. It seems, therefore, advisable to grant retiring pensions calculated on ten years' service. I think by making such a provision we should more readily induce a Secretary of State to do what I hope he will do—namely, let it be known that if a member of Council does not efficiently perform his duty, from whatever cause, he would have to retire. Now, with reference to the remarks of the noble Lord behind me (Lord Lyveden), I beg to assure him that there is not the slightest danger that anything has been done by me, or is likely to be done in India by my successor, which may tend to bring on anything like the complications, difficulties, and miseries of an Affghan War. I may say that the very object and scope of what has been done was mainly with a view of preventing anything like a colourable necessity for a movement of the kind to which the noble Lord refers. There is no man, I believe, in India—there is no man, I am sure, in England—that would more steadily set his face against anything like aggression or anything like expeditions beyond the borders of British India than I have done in my time. Whether I was supported by public opinion, or whether public opinion was strongly against me, I resisted with equal stubbornness any attempt to induce me to adopt a policy which might lead to any such consequences. During the second Sikh War, in 1848, the late Ruler of Affghanistan, Dost Mahomed — a man of great reputation and force of character, and one who during his life was the only man who was able to hold that country entirely together—took an active part against the British Government, and thereby prevented the late Lord Dalhousie, who was very much inclined to come to terms of amity and good-will with him, from making overtures to the Ameer. But after some years the Ameer gave the Government of India to understand that he was ready to come forward himself to make apologies for the line he had taken during the second Sikh War, and to come to terms of amity and good-will with us. These overtures on the part of the late Ameer must be attributed to the wise and zealous exertions of the late Sir Herbert Edwards, an officer of great mark, whose death is one of the greatest losses that could be inflicted on the Indian service. Sir Herbert Edwards put himself into communication with a son of the Ameer, who was then governor of a border province of Affghanistan, and through him made arrangements with the father. I was then the chief civil and military authority in the Punjab, and with my consent he entered into communication with the son of the Ameer, assuring him that if his father was willing to come forward we should meet him half-way. The result was that the Ameer Dost Mahomed sent down his favourite son to Sir Herbert Edwards. Under the authority of the Governor General of the day, the late Lord Dalhousie, Sir Herbert Edwards made a treaty between the late Ameer and ourselves, which bound England to nothing, but simply declared that all that had passed between us was past and gone, and that no punishment of any kind or sort should ever fall on the Ameer in consequence of the line which he adopted towards us in 1848. On the other hand, Dost Mahomed bound himself to be the enemy of our enemies and the friend of our friends. As the son expressed himself at the time to me, and as the father subsequently remarked, it was a one-sided treaty, which in his desire to come to terms with us he readily accepted. He would have been glad to have made other arrangements and to have entered into a treaty of reciprocity, by which we should have bound ourselves to be the friend of his friends and the enemy of his enemies; but those terms we decidedly and absolutely rejected. Things went on satisfactorily from that day till the beginning of 1857, when, during the Persian War, Dost Mahomed was anxious to recover Herat, which had fallen into the hands of the Persians. He accordingly made overtures to me for assistance, assuming that he would create a diversion in our favour. After some overtures he came down to Peshawur himself, met me there, and went into different matters connected with the politics of Affghanistan. With the approval of the Governor General of that day (Lord Canning) I arranged, during the period of the Persian War, that we should give him a subsidy of £120,000 per annum. When that war came happily to a conclusion, under the terms entered into with the Ameer the subsidy ceased. But in consequence of of the distressed state of the Ameer, and the condition of his finances, I consented to continue the subsidy for some time. Within three or four months from the commencement of this subsidy the Indian Mutiny broke out, and it was fortunate for us that we had come to this arrangement with the Ameer; for the assistance which he received enabled him — partly by his own forces and partly by means of the subsidy—not only to maintain order among his chiefs and subjects, but also to prevent anything like invasion upon our border. After the Mutiny was at an end, having consulted with the Governor General, it was determined that the subsidy should cease, and of this the Ameer was informed accordingly. He remonstrated, stating that he had raised soldiers and incurred expenditure of various kinds—and, no doubt, there was some truth in what he said. With a desire, therefore, to put him in a position in which he could have no ground for complaint, we continued the subsidy till nearly the end of 1858, after which date it ceased. After the death of Ameer Dost Mahomed Khan his sons contested the succession, the Ameer not having selected his eldest son, but the son of a younger wife. The present Ameer is a man of great character, but with certain defects which I need not dwell upon, and a strong party was formed against him. The Ameer sent down to us and asked for assistance, appealing to the treaty which we had made with his father; but my reply was that it was impossible for us to interfere in the contest. The consequence was that in the commencement the two parties fought it out. The present Ameer, after some success, was defeated and driven from the throne, and his eldest brother, by general consent, succeeded to power. He turned out to be a man quite incapable of fulfilling the duties of the position to which he was thus raised; he was mild and gentle, and at the same time addicted to vices which rendered him quite incapable of government; he died of an illness brought on by debauchery, and his brother, who had first sought relations with us, ascended the throne. The Ameer, however, did not fulfil the expectations of his friends, some of those who had gained him his throne fell off, and after some months he was expelled from the country. He, however, received reinforcements which again enabled him to take the field and to contest the throne; but, though successful to a certain extent, the country was convulsed, the principal chiefs were either slain or driven out, and some of them took refuge on British territory; trade was paralyzed and the revenue disorganized. Each party was sufficiently strong to maintain itself against the other, but neither party was strong enough to beat down the other and restore order. There was a general feeling that we should come forward to assist the Ameer, who had partially recovered his authority, to consolidate his power and to put down further opposition. The Ameer sent most pressing invitations to the British Government intreating them to give him aid. After considerable reflection and some hesitation I at last brought the matter before my Council, and, after fully debating all the *pros* and *cons* of the question, it was unanimously decided by us that it would be expedient to give the Ameer some assistance, with a view of affording him a chance of recovering his power, and of bringing back peace and order to the country. Accordingly, I sent him something like £60,000, and I told him, further, that if this money did not suffice I would give him a further supply, and would also aid to a certain extent in the maintenance of a standing army. The Ameer acknowledged the assistance in the most grateful terms, and desired to come down and pay his respects to the Governor General, to enter into a treaty with the Government of India—as his father had done—and to maintain friendly relations with them. It was considered by the Government of India that overtures of this kind ought not to pass unnoticed; and I thereupon wrote to the Ameer and told him what were my views—that I was willing to help him still further in a moderate way; that I could not bind myself by any treaty which would involve obligations on the part of Her Majesty's Government to assist him; but that I was willing from time to time, as circumstances might suggest, and as his own conduct might show that he deserved it, to give him some further assistance hereafter, as I had already done. Things remained in that state until the period of my service as Governor General came to an end. I then placed on record my reasons for having made this arrangement. I suggested that my successor should act on the same policy; that he should make no treaty or arrangement by which we should be bound in any way, directly or indirectly, to interfere in the affairs of Affghanistan; but, until the Ameer should recover his dominion, and consolidate his dominion, that we might from time to time assist him. I believe Lord Mayo has done no more than act on the principles I suggested; I believe there is no intention and no desire to do otherwise, but quite the contrary; and I believe it is the wish of the Government in India and of Lord Mayo to pursue a course strictly in accordance with that hitherto adopted. It must be admitted that we owe the Affghans a debt of gratitude; and if we can, by a moderate outlay—by the expenditure of a few thousands—conciliate them; if we can lead them to forget the misfortunes and the wars of the past, induce them to become good neighbours on our borders, and make them believe that we are really and truly their friends, that will be a great gain; and I think nothing has been done inconsistent with the attainment of that desirable object.

Bill read 1ª; and to be *printed.* (No 62.)

PARK GATE CHAPEL MARRIAGES, &C. BILL [H.L.]

A Bill to legalize certain Marriages celebrated at Park Gate Chapel, and to change the name of Cowgill District Chapelry—Was *presented* by The Lord Archbishop of YORK; read 1ª. (No. 59.)

House adjourned at a quarter before Eight o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 19*th April*, 1869.

MINUTES.]—New Member Sworn—The Earl of March, *for* Sussex (Western Division).

Public Bills — *Second Reading—Referred to Select Committee*—Oyster and Mussel Fisheries Supplemental * [76].

Committee—Irish Church [27]—r.p.

Committee — Report — Court of Common Pleas (County Palatine of Lancaster) * [26-86].

ARMY.—RETIREMENT OF OFFICERS.

QUESTION.

Mr. HENDERSON said, he would beg to ask the Secretary of State for War, If any steps have been taken to carry out the Recommendation of the Committee of 1867 for facilitating the retirement of Officers at the age of 60 in the non-purchase Corps of the Army; and, if not, if anything is likely to be done to give effect to the Resolutions passed by that Committee?

Mr. CARDWELL said, in reply, that the only step which had yet been taken was that instructions had been given by the Treasury for the preparation of a Bill to enable the Commissioners of the National Debt to make those payments of sums of money in lieu of retiring allowances, which form an essential part of the scheme in question. When Parliament had dealt with the Bill, it would be necessary to consider it, as far as the army was concerned, with reference to the relative rapidity of retirement in the various branches of the service.

IRELAND—CHURCH LEASES.

QUESTION.

Dr. BALL said, he wished to ask the Chief Secretary for Ireland, Whether the attention of Her Majesty's Government has been directed to the recommendations contained in the Report of the Irish Church Commissioners in favour of lessening the price of purchasing the perpetuity of Church leases; and, whether the subject was under the consideration of the Government with a view to legislation?

Mr. CHICHESTER FORTESCUE in reply, said, the attention of the Government had been directed to this subject; but its importance demanded careful consideration, and the right hon. and learned Member would doubtless agree with him that it should be dealt with as a separate measure, rather than form part of the Bill now before the House.

Dr. BALL said, he entirely concurred in the view of the right hon. Gentleman.

IRELAND—ELECTION PETITIONS.

QUESTION.

Viscount ST. LAWRENCE said, he wished to ask Mr. Attorney General for Ireland, Whether the judgments of the Irish Judges on Election Petitions will be printed and laid before the House, together with the judgments of the English Judges, and how soon?

The ATTORNEY GENERAL for IRELAND (Mr. Sullivan) said, in reply, that the judgments of the Irish Judges would be printed and laid before the House. One of them was already in print. The delay had been caused by the corrections made by the Judges in their judgments.

IRELAND—CHURCH LEASEHOLDS.

QUESTION.

Sir LAWRENCE PALK said, he wished to preface the Question he had to ask by a short explanation. There were many thousands of acres of land in Ireland which had been leased out to persons who had held them in their family for two or three generations, and who treated them as freeholds. He therefore would beg to ask the First Lord of the Treasury, If he intends to make any provision for the renewal of Leases in Ireland, granted by Bishops or the Ecclesiastical Commissioners, having more than ten years to run?

Mr. GLADSTONE replied that he was not able at that moment to give a definite answer on the part of the Government; but, probably, at a future period, when the Irish Church Bill had made some further progress, he would be able to give on answer.

VAGRANCY.—QUESTION.

Mr. HUNT said, he wished to ask the President of the Poor Law Board, Whether he intends to deal with the question of vagrancy this Session?

Mr. GOSCHEN said, in reply, that the subject of vagrancy had much occupied the attention both of his right hon.

Friend the Home Secretary and himself. They had received a large number of suggestions on the subject, and all were agreed that the law was at present in a very unsatisfactory state, and were anxious for fresh legislation; but he did not think he could undertake to legislate on the subject this Session. If the business before them were to make such progress that there was the slightest chance for the House to engage in the subject, he would be glad to do so, but he did not think that at all likely.

ARMY—CUPPING IN THE ARMY.

QUESTION.

MR. W. S. ALLEN said, he would beg to ask the Secretary of State for War, If his attention has been called to a statement in a letter which appeared in the "Daily Telegraph" of April the 16th, to the effect that "a soldier suffering from consumption or any other disease whereby he is incapacitated from continuing in Her Majesty's service, cannot be discharged till he has been subjected to the operation of cross-cupping," or branding; and, if so, whether such statement is correct; and, if correct, whether he thinks such a practice should be continued?

MR. CARDWELL in reply, said, the statement to which his hon. Friend had directed his attention was not correct. In consequence of his hon. Friend's Question he had made inquiry, and he found, as he expected, that cupping was never resorted to except when it was necessary as a remedy for disease.

TAX ON HORSES.—QUESTION.

SIR HENRY HOARE said, he would beg to ask Mr. Chancellor of the Exchequer, Whether—as he intends all horses to be subject to the Excise License, excepting those kept for purely agricultural purposes—it should not be made perfectly clear to the Yeomanry, in the event of that force being maintained, that their horses would no longer be exempt from taxation?

MR. SCOURFIELD said, in order to save the right hon. Gentleman the trouble of rising twice on the same subject, he would also put his Question, As no exemption from Duty was mentioned in the published Resolutions on the Excise Duties, whether it is intended to continue the present exemption of horses employed in agriculture from the Duty on horses?

THE CHANCELLOR OF THE EXCHEQUER: Sir, it is not intended to do away with the exemption now enjoyed by persons for their horses employed in the Yeomanry, or in agriculture. The error has arisen from confounding the Resolutions with the provisions of the Bill. The former are merely intended as the foundation of the Act, and exemptions do not appear in them.

IRELAND—PRESERVATION OF ANCIENT MONUMENTS.—QUESTION.

MR. AGAR-ELLIS said, he wished to ask the First Commissioner of Works, Whether Ireland will be included in any measure he may bring in for protection of Ancient Monuments, as indicated in his answer to the hon. Member for Buckingham (Sir Harry Verney) on the 2nd instant?

MR. LAYARD: Sir, the First Commissioner of Works has no control or jurisdiction in Ireland. The Irish Board of Works is under the Treasury. There are many most valuable and interesting national monuments in Ireland which ought to be placed under proper supervision, as many such monuments in Scotland are, and I think that the time is come when they ought to be taken care of and preserved. My attention has been called to the subject by many communications which I have received from Ireland; and I may especially allude to one from Lord Talbot de Malahide, the President of the Royal Irish Society, who has most kindly offered to be of any assistance to me in the matter. I can only say, that if it should be determined to place the national monuments of Ireland, like those of Scotland, under the care and jurisdiction of the Office of Works, I would do my utmost to take measures to preserve them. But this is a matter which does not rest with me.

TURKEY—CRETAN INSURGENTS.

QUESTION.

MR. MONK said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether there is any truth in the Report contained in the "Levant Herald" of March 31, that—

> "The Cretan Chiefs who have been for some months under trial for their share in the late Cretan insurrection, have at length been con-

demned to fifteen years' imprisonment, with hard labour, and several of them have accordingly been transferred from the Zaptieh to the Arsenal Bagnio to undergo their punishment."

And, if so, whether the condemned Chiefs were expressly excepted from the general amnesty proclaimed by the Turkish Government some months ago to the Cretan insurgents?

MR. OTWAY said, in reply, that the circumstances of the case were these—Before the insurrection was terminated an amnesty was offered to all the insurgents who laid down their arms; but the prisoners now in the Bagnio were taken with arms in their hands after the expiration of the term allotted. They were sentenced to imprisonment; but he was happy to inform his hon. Friend, who he knew took a great interest in the subject, that the Grand Vizier had informed Mr. Elliott that the liberation of the insurgents was determined on, and that it would take place almost immediately.

IRISH CHURCH BILL—[BILL 27.]

(*Mr. Dodson, Mr. Gladstone, Mr. John Bright, Mr. Chichester Fortescue, Mr. Attorney General for Ireland.*)

COMMITTEE. [*Progress* 16*th April.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 3 (Appointment of Commissioners).

MR. GLADSTONE said, he rose to move the postponement of this clause, which contained the provision for nominating the members of the Commission. It was the opinion of the Government that both the Government and the House would be in a better position to judge of the arrangements that should be made with respect to the mode in which the Commission should be appointed after they had gone through the operative clauses of the Bill, and had marked out the duties of the Commissioners.

MR. GATHORNE HARDY said, he had no desire to offer any opposition to the postponement of the clause, provided the right hon Gentleman was willing to postpone all the clauses, down to Clause 10, having reference to the constitution of the Commission, and especially Clause 7, defining the powers of the Commissioners. Upon that understanding, he would assent to the postponement of the clause.

MR. GLADSTONE said, the Government had not taken the view that it would be necessary to postpone Clause 7, relating to the powers of the Commissioners and the following clauses, which prescribed the duties which the Commissioners, were to discharge with respect to the property of the Irish Church. At the same time he was not aware that there would be any great objection to the postponement of the clauses referred to by the right hon. Gentleman.

MR. GATHORNE HARDY said, he thought it would be better to postpone all clauses relating to the Commissioners.

Clause *postponed.*

Clauses 4, 5, and 6 *postponed.*

Clause 7 (Powers of Commissioners).

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) said, it appeared to him to be unnecessary that this clause should be postponed. Whoever might be the Commissioners it would be absolutely necessary that they should be endowed with very large powers, and the powers this clause proposed to confer upon that body were similar to those conferred upon the Incumbered Estates Court in Ireland. It was absolately essential, in order that the intention of the Bill should be carried out, that the Commissioners should have power to decide questions of law and of fact, to compel the attendance of witnesses, to issue commissions for the examination of witnesses, to punish persons refusing to give evidence, or to produce documents, or guilty of contempt, and to make or enforce any order whatever made by them for the purpose of carrying into effect the object of this Bill. Clause 7 merely proposed to confer these absolutely necessary powers upon the Commissioners whoever they might be.

MR. GLADSTONE said, that there was no desire on the part of the Government to resist the wish of the right hon. Gentleman opposite (Mr. Gathorne Hardy) that the clause should be postponed.

Clause *postponed.*

Clauses 8 and 9 *postponed.*

Clause 10 (Prohibition of future appointments).

MR. GATHORNE HARDY said, that in the absence of his right hon. Friend the Member for Buckinghamshire (Mr.

Disraeli), who was too unwell to come down to the House, he begged to move the Amendment of which his right hon. Friend had given notice—namely, after the words "after the" to omit the words "passing of this Act," and insert in their place the words "first day of January, one thousand eight hundred and seventy-two." His right hon. Friend had given notice to move the substitution of the year 1872 in place of the year 1871 in Clauses 2, 12, 13, and other clauses; but he had thought it desirable that the question should be raised upon this clause. The object of the Amendment was that a longer time should be given for making the necessary arrangements under this Bill. However much he might disapprove the principle of the Bill before the Committee, he would assume that it was to become law; and, under those circumstances, what he contended was that sufficient time was not given under the Bill for carrying out the arrangements that would become necessary under its various provisions. He did not know that it would be necessary for him to go fully into all those arrangements, because it was evident, upon the face of things, that numerous questions would have to be settled, having reference to the property of the Irish Church and of the interests of the various persons, clergy and laity, interested in it. Under these circumstances, he thought that the period for the operative clauses of the Bill to take effect should be fixed for the 1st of January, 1872, instead of the 1st of January, 1871; and, therefore, he begged to move the Amendment he had already stated.

Mr. GLADSTONE said, that the course taken by the right hon. Gentleman was likely to lead to some inconvenience—although, of course, that was a matter rather for the right hon. Gentleman than for the Government to consider — because the Committee had already agreed to Clause 2, which provided that the modifications intended by this Bill in the Act of Union should take effect as from the 1st of January, 1871. The Government could not accede to the proposition of the right hon. Gentleman in the case of either of the clauses referred to. Although, in introducing the Bill to the House, he had stated on behalf of the Government that, in their opinion, the particular day from which the disestablishment provisions of the Bill should take effect would not be a matter of vital principle essential to the success of the Bill; still, he had also stated that while, on the one hand, it was desirable not to fix that day too soon, it was equally desirable that it should not be fixed too late. The Government had advisedly fixed upon the 1st of January, 1871, as being neither too soon nor too late. It must be admitted that, in a matter so vitally affecting the interests of the Irish Church, that body should be regarded in the light of a party to the question; and Her Majesty's Government had been so far fortunate as to have had considerable communication upon this subject with a number of gentlemen who were certainly among the most competent in Ireland to deliver an authoritative opinion on this question on the part of the Church. He need scarcely say that the opinions he had received upon this point were not merely those of persons who were friendly to the Government proposition, and still less merely those of persons who had approved the Bill from its first inception. On the contrary, among those whose opinions he had obtained were many who, while protesting against the principle of the Bill, had thought, rationally enough, that it was only right they should make suggestions with regard to the details of the Bill, in the event of its being carried through Parliament. He was bound to say that, in the opinion of these gentlemen, the proposal of the right hon. Gentleman was not calculated to promote the interests of the Church. Now that the question of principle had been carried, it was evident that it was the interest of the Church not to endeavour to screw out the last farthing by staving off the evil day for another year, but to make an appeal to the private personal feelings of its members. He owned that it seemed to him to be a reasonable opinion, on the part of those with whom the Government, had communicated, that any prolongation of the time beyond the period required for the necessary preparations would have an inconvenient and probably a mischievous tendency in removing the bracing effect which undoubtedly a stringent measure would have, and in giving every man who was cold, or lukewarm, or stingy, or anything else, an excuse for postponing the consideration of the arrangements which would be necessary for the Church in her future position.

Dr. BALL said, that properly the question of date ought not to have been raised on this clause, but as it had, it was as well to continue the discussion. The object of postponing the date was not so much to prolong the existence of the Established Church from 1871 to 1872, as to afford time to make other arrangements, which would be necessitated by the passing of the Bill. For instance, the Bill would abolish the jurisdiction of the ecclesiastical courts, and would necessitate an entirely new marriage law for Ireland; for, after the 1st of January, 1871, the matrimonial courts and the right of granting licenses for marriages would cease. He understood that the Lord Chancellor had said the other day in reply to a question asked by Lord Chelmsford respecting the marriage law, that he had not yet considered the subject. It was possible they might not be able to settle the marriage law in the course of next Session, and the Amendment was suggested with the view of giving time for settling that question. The Amendment had a second object. He was not quite certain that in the course of the year the new ecclesiastical body in Ireland would be constituted. The right hon. Gentleman said that they would agree the better the less the time that was given to them. That was the case sometimes, but he did not think that in the present case the time was sufficient. The question of the appropriation of Church educational and charity funds would also require some time for consideration. On the whole he thought it would be advantageous to the Government that two years should be allowed instead of one.

The ATTORNEY GENERAL for IRELAND (Mr. Sullivan) said, that the time fixed in the Bill would give a year and five or six months for the settlement of matters necessary to set the Bill in full operation. He thought if the members of the Irish Church could not make the proper arrangements in the course of eighteen or nineteen months, they would not be likely to do so by having another year added to the time allowed. With respect to the ecclesiastical courts, that was a very simple matter. At present they were troubled with very little business, and a short Bill, which might be passed in three or four weeks of this Session would transfer that jurisdiction to the present Court of Probate in Ireland. With regard to the marriage Law, all that he understood the Lord Chancellor to have said was, that he was not prepared to legislate entirely on the basis of the Report of the Commissioners. He believed that was a matter not very difficult to deal with; and, if the Bill for disestablishing and disendowing the Irish Church could be passed in one Session, he thought that another Session would afford ample time for passing a new marriage law. It was of great importance that this measure should come into operation as speedily as possible after it was passed.

Mr. NEWDEGATE said, he wished to know, whether, in 1871, the whole parochial system of the Church in Ireland was to come to an end, leaving some civil arrangements with respect to parishes, and also the arrangements of the Papacy with respect to the organization of Roman Catholic parishes in Ireland?

Sir GEORGE GREY said, he thought that the particular Amendment now before the Committee was foreign to the object which those who moved it had in view. It would not change the date at which the Act was come into operation. Its effect would be to limit to the time between the passing of the Act and the 1st of January, 1872, the prohibition of ecclesiastical appointments.

Mr. GATHORNE HARDY said, that the Amendment of which notice had been given for changing the date in the 2nd clause had not been moved, because it had been thought more convenient for his right hon. Friend the Member for Buckinghamshire to at once move the omission of the clause. On Clause 12 an Amendment would be also moved to change the date at which the Bill was to come into operation. If that Amendment was carried the date could be altered in Clause 2 on the bringing up of the Report.

Mr. CHICHESTER FORTESCUE said, the hon. Member for North Warwickshire (Mr. Newdegate) seemed to think that the whole parochial arrangements would require to be made by the 1st of January, 1871?

Mr. NEWDEGATE said, the right hon. Gentleman had misunderstood him. The House was aware that there was what was called a civil rating in parishes in Ireland, while there was a kind of parochial system established by the Roman Catholic Church. What he wished to know was if the parochial system, *quoad* the ecclesiastical and parochial arrangements of the Irish branch of the United Church, was to cease in 1871?

Mr. CHICHESTER FORTESCUE said, that from and after the 1st January, 1871, no such thing would exist in Ireland as an ecclesiastical parish, in the legal sense of the word. With respect to the arrangements of the Roman Catholic Church they would remain as they were at the present moment, entirely unaffected by the Bill. With respect to the Anglican Church, no doubt, on and after that date, its ecclesiastical divisions would rest on the basis of compact and not on coercive laws. He had no doubt that the new Governing Body of the Church would have ample time to make all the necessary arrangements before that time.

Mr. GATHORNE HARDY said, he would withdraw the Amendment, as the question of date could be more conveniently discussed on Clause 12.

Amendment, by leave, *withdrawn.*

Dr. BALL said, he wished to draw attention to the words of the clause—

> "Save as herein-after mentioned, no person shall, after the passing of this Act, be appointed by Her Majesty, or any other person or corporation, to any archbishopric, bishopric, benefice, or Cathedral preferment in or connected with the said Church."

He thought the wording of the clause much too wide. The words "no person" would include not only an individual but any number of persons and might apply to a society. His view was corroborated by two of the Irish Judges, the Master of the Rolls and the Vice Chancellor, who stated that if the clause should pass as it stood it would be illegal to appoint any Archbishop or Bishop at all. In Canada the status of a Bishop was exactly the same as those in this country would be under this Bill. There was a Metropolitan Bishop who had jurisdiction in what was called the bishopric of Montreal, and there were other bishoprics also. He would suggest that they should either omit the word "person," or introduce some phrase equivalent to saying that no appointment should be made to any archbishopric or bishopric with territorial jurisdiction. He did not want to raise any question as to the intentions of the Government with regard to the clause, but he thought that the words as they stood required some alteration.

Sir ROUNDELL PALMER said, he would propose an Amendment that would raise the question. He believed that there was great reason in the point that had been urged by the right hon. Gentleman opposite; and it appeared to him that the object would be best attained by the introduction, after the word "corporation," of some such words as "by virtue of any right or power of appointment now existing in law." He concluded by moving the insertion of those words.

Mr. GLADSTONE said, that the words proposed came with very high authority, and if they had been placed upon the Paper the Government would have had an opportunity of considering them. His hon. and learned Friend would not, he trusted, feel surprised if they desired to have the opportunity of giving them that consideration, because the matter to which they related was of extreme importance. The object of the Bill was to secure, after the day named in it, perfect religious equality between the various Churches and sects in Ireland, and it would not do to have it said that by this Bill they had recognized archbishoprics and bishoprics that belonged to one particular Church, unless it could be shown that a similar recognition was given to the archbishoprics and bishoprics of another Church, which would exist side by side with it. He owned that he was not satisfied with the reference that had been made by the right hon. Gentleman (Dr. Ball) to Canada. He doubted whether it would be safe in a very old country, and with a legal terminology adapted with great strictness and accuracy to the relations of a Church and State connection, to borrow our language from a new country which had never had any system of Church and State at all analogous to our own. The case also differed virtually from ours in this, that for a long period Canada, if it had had any established Church in the full sense of the term as we understood it, had really had two established Churches upon a footing of legal equality. He believed that Acts of Parliament passed in Canada contained distinct recognition, if not with the word "bishopric," certainly with the word "see," of both Roman Catholic and Anglican dioceses. He did not think, therefore, that Canada formed a safe precedent for us to follow. If we took the Scotch Episcopal Church, we found that no recognition, directly or indirectly, was given by law, except to the personal character of the Bishop. He believed that, by some accident, the expression had once crept into a private Act, and he was not sure whether means were not taken for the correction of it. With reference to the Irish Roman Catholic Bishops, when the Charitable Bequests Act was passed, in or about 1843, great pains were taken to prevent the recognition of anything approaching the shape of a Roman Catholic diocese. He thought that the right hon. Gentleman would see that—at all events from their point of view—this was a matter with which they must not deal too lightly. It was quite clear that there could be no intention of interfering with Episcopal appointments made upon a footing of voluntary contracts. The words proposed by his hon. and learned Friend should be considered before the bringing up of the Report, though he could not consent to the postponement of the clause, as it was essential to the framework of the Bill.

Lord JOHN MANNERS said, he would remind the right hon. Gentleman at the head of the Government that, while at the time of the legislation to which he had referred, Scotland and Ireland contained established Churches, this clause would take effect in a country where by the very operation of the Bill the Established Church would cease to exist. He thought it desirable to postpone the further consideration of the clause for the present.

The ATTORNEY GENERAL for IRELAND (Mr. Sullivan) said, the Government believed the clause was perfectly accurate. It was impossible that the clause could have the effect supposed by the right hon. and learned Gentleman opposite.

Sir STAFFORD NORTHCOTE said, he desired to know, whether Her Majesty was precluded by the language of this clause from undertaking the nomination of Bishops in case she were requested by the new Church Body to do so?

The ATTORNEY GENERAL for IRELAND (Mr. Sullivan): Clearly not.

Mr. CHARLEY said, that they had been told over and over again by the supporters of this Bill that Canada was a safe precedent, but that statement had just been contradicted by the Prime Minister.

Sir ROUNDELL PALMER said, that, after what had fallen from his right hon. Friend at the head of the Government, he would withdraw his Amendment for the present, and place it on the Paper for consideration on the bringing up of the Report. At the same time he begged to assure his right hon. Friend that it would not in the least infringe the principle on which his right hon. Friend insisted. He trusted his right hon. Friend would forgive him for saying that the view which he had taken of the clause was not, in his opinion, a sound one. The clause contained no recognition prospectively of any disestablished body. It was a merely negative clause. It was much too subtle to say that the law generally uses these words with reference to an Establishment. That was quite true, but when coupled with a prohibition the law might give them the largest construction. He would express a confident opinion that if the clause remained as it stood the effect would be to prohibit entirely the appointment of Archbishops and Bishops; especially as it might have to be construed in connection with the Ecclesiastical Titles Act. There might, however, be another way to accomplish the object in view—namely, by defining these words of Clause 10 in the interpretation clause. If that course were chosen, he hoped the Government would put the words they proposed to employ on the Notice Paper, before the Report, so that they might have an opportunity of judging which was the best way of accomplishing their common purpose.

Mr. WALPOLE said, the words of the clause must be taken in conjunction with the provision in Clause 58, enabling Her Majesty, in case of a vacant archbishopric, on the requisition of any three Bishops of the province, and in the case of a Bishop on the requisition of the Archbishop of the province in which such bishopric is situate, or of any three Bishops of the same province, to fill up the vacancy. Down, therefore, to the 1st of January, 1871, there might be an appointment by Her Majesty to an "archbishopric" or to a "bishopric." But after the 1st of January, 1871, they must rely upon appointments to "archbishoprics" and "bishoprics" according to the recommendation of the Church Body. Therefore, in that view of the case, the wording of the clause did not require amendment.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 11 *agreed to.*

Clause 12 (Church property vested in Commissioners under Act).

MR. GATHORNE HARDY said, he would beg to propose an Amendment to substitute the date of the 1st of January, 1872, for the date of 1st of January, 1871.

Amendment proposed, in page 4, line 26, to leave out the words "seventy-one," in order to insert the words "seventy-two."—(*Mr. Gathorne Hardy.*)

Question put, "That the words 'seventy-one' stand part of the Clause."

The Committee *divided:*—Ayes 301; Noes 194: Majority 107.

MR. BENTINCK said, he had an Amendment to propose in the clause. He believed it had already been found by the right hon. Gentleman opposite that the clause was too large and sweeping, and he had proposed to modify it; but he did not think the modification was sufficient. He thought it would be necessary to bring up a new clause. There was a large class of property of an ornamental and almost sacred character, such as plate belonging to churches, the organs of cathedrals, libraries belonging to Bishops, musical libraries attached to choral services, and pictures. He thought there ought to be some stringent provision for retaining these articles of furniture and works of art in the corporation in the case of the Church not being organized within a very limited time. The right hon. Gentleman might reply that these works of art, ecclesiastical furniture, musical instruments, &c., were covered by the 29th clause relating to private endowments. There was, however, considerable doubt on this subject, and he would beg to move the addition of the words "save as herein-after provided." The Amendment was a technical one, its object being to reserve the power of adding a clause at a future stage.

MR. GLADSTONE said, he had no objection to the addition of the words proposed by the hon. Member. As far as Church furniture was concerned, it was right that some provision should be made for its transfer, as there was no intention to invest it in the Commissioners.

Amendment *agreed to.*

MR. GLADSTONE moved, in line 30, after the word "person," to insert the word "as." The object of this Amendment was that it might be seen that the private property of ecclesiastical persons was not intended to be dealt with by the clause.

Amendment *agreed to.*

MR. WALPOLE said, he saw no reason for the word "personal." He thought that all real property or *quasi* real property ought to be included in the clause; but he did not know any other property that ought to be inserted except leasehold.

MR. GLADSTONE said, there might be money invested in the funds.

MR. WALPOLE said, he did not know that there was any such money.

MR. GLADSTONE said, that must come under the private endowment clause. The whole object of the Bill was that that property should pass through the Commissioners, and, in the case of private endowments, the property would be re-transferred. He believed that mode of proceeding would be the most acceptable to the members of that Church, so that they might have a title accruing to them as a private and voluntary body, and not a title which had originally accrued to them when they were an established Church.

MR. ASSHETON CROSS said, it seemed to him very hard, if all this property should pass through the Commissioners, that the expense of vesting it in them, and subsequently conveying it to the Church Body, should have to be borne by the owners of the property. He thought the expense in that case ought to devolve upon the general fund.

MR. GLADSTONE said, there would be no expense whatever incurred in vesting the property in the Commissioners. But with respect to the expense of re-investing it in the Church Body, he thought it ought not to be thrown on the parties, but ought to be borne by the general fund.

Amendment *agreed to.*

Mr. GLADSTONE moved the addition of the words "may be entitled" after the word "aforesaid" in page 5, line 3, in order to meet a clerical error.

Amendment *agreed to.*

Mr. GATHORNE HARDY moved, in line 4, after the word "respectively," to add the words—

> "And such last-mentioned corporeal hereditaments shall, subject to the provision for commutation herein-after contained, continue in such Archbishop, Bishop, or person respectively, for their respective lives, in the same manner as if this Act had not passed."

He proposed this Amendment in order that those persons who had tenants in possession of Church property should occupy the same position during their lives which they now held.

The ATTORNEY GENERAL said, he had no objection to the words, but he thought that the words "subject to life-interests," carried the same meaning.

Amendment *agreed to.*

On Question, that Clause 12, as amended, stand part of the Bill,

Colonel STUART KNOX said, he wished to put a question to the right hon. Gentleman at the head of the Government. The right hon. Gentleman had assigned as his reason for not agreeing to the moderate proposal to give an additional year for the formation of the Church Body, that he had been advised by some of the best friends of the Church not to do so. Now he (Colonel Stuart Knox) thought it only fair to ask the right hon. Gentleman to state who were those "best friends of the Church?"

Mr. GLADSTONE said, he thought he should not be justified in mentioning publicly the names of those gentlemen who communicated their opinions to him in confidential conversations. He was not, however, aware that there was any special secresy about the matter, so as to prevent any private mention of those names, and if the hon. and gallant Member wished to communicate with him in private he would make known to him those names, with which he was quite sure the hon. and gallant Member would be satisfied.

Mr. CHARLEY said, that as that clause went to the root of the question of disendowment, and that many in the House would consent to disestablishment but objected to disendowment, he thought it was very fair that they should have an opportunity of recording their votes against it.

Mr. VANCE said, that as that was the principal clause which transferred the property of the Church to a foreign body he should take the opportunity of briefly expressing his opposition to it. That clause reduced the Church to the voluntary system, and he said that that system was contrary to the genius of the Church of England. The very toleration of the Church, and its indulgence to other sects, as well as the high spirit of its clergy, rendered them unfit to run a race with other denominations of Protestants for voluntary contributions. If they deprived the Church of the authority of the Crown, of the supervision of the Bishops, and of the control of the ecclesiastical courts, it would become like a ship without a rudder or compass, and it would undoubtedly drift either into Dissent or into superstition. What was the argument used for reducing them to the voluntary system, and depriving them of the endowments handed to them from time immemorial? It was that their Church was the Church of a minority in Ireland. Now he would not resort to the argument, which had been so often stated, that it was not the Church of a minority of the people of the United Kingdom; but he would say that if it was the Church of a minority it was the Church of a glorious minority. It was the Church of the descendants of the race who had fought at Derry and the Boyne. It was the Church of men who had always been loyal to the Sovereign, who had never entered into any conspiracy, and who had never been known to belong to the Fenian faction. The Establishment which that clause would destroy rested upon prescriptive and upon legislative enactment. It rested upon the Act of Settlement, upon the Act of Union, upon the Roman Catholic Relief Act, and above all upon the Coronation Oath of the Sovereign. The Bill would take possession of the tithe rent-charge, and of the glebe lands of Ulster. Now, he did not hesitate to say that taking away the tithe rent-charge was plunder; that taking away the glebe lands of Ulster was robbery; and that the transfer of the property of the Church to secular purposes or to such institutions as Maynooth was bribery and hush-money. The effect of the Bill would be virtually to establish the Roman Catholic religion in the South and West of Ireland. The Protestants in those districts were few in number; their churches were scattered over large spaces, and it would be impossible that they could be maintained out of the means of private individuals. The consequence would be that, in these parts of the country, the Protestants, in almost every instance, would be merged among the Roman Catholics, and in those cases in which that did not take place they would be driven away, and would not be permitted to exist among the rest of the population. England would then lose her best defenders, and her only garrison in Ireland. The question of tithes was well disposed of by the Knight of Kerry, in an admirable letter in *The Times*. Imagine the law forcing a man to pay poor rates, and obliging him, at the same time, to subscribe for the maintenance of the poor voluntarily; yet that was the case with those who paid the tithe rent-charge. Seven-eighths of the tithe rent-charge of Ireland were paid by the Protestant landlords, and only one-eighth was paid by the Roman Catholic proprietors, who had purchased their property subject to that charge, and who could not, therefore, justly complain of its continuance. The argument that the Church of England had made no progress was quite fallacious. In 1750, it had but 800 clergy; in 1867, it had 2,607: in 1750, it had only 430 churches, as against 1,580 in 1867. Its parsonages numbered 140 in 1750; in 1867, they numbered 980. If that Bill were passed, other projects, such as the repeal of the Union and fixity of land tenure would soon be pressed upon their consideration; and on whose cooperation could they rely, except that of the Protestants of Ireland, in opposition to those measures? But when they destroyed the Church of those men, and interfered with their dearest rights, could they have the face to ask their assistance for the purpose of saving them from schemes which would be not less injurious —and worse he could not say of them— than the Bill which they had then before them?

MR. ASSHETON CROSS, who was met on rising with cries of "Divide!" said, he was anxious to impress on Members opposite below the Gangway that there were Members on his side of the House who were anxious not to speak at length on that part of the Bill, but to enter their solemn protest against the clause. Although the second reading of the Bill had been carried by a large majority, still the right hon. Gentleman at the head of the Government would find that many of those who formed that majority, although agreed on one or two points, would differ upon other points in the Bill. Many of the Roman Catholic Members also who had supported the second reading would scarcely agree to any propositions to give Church property to secular uses. In the speech of the right hon. Gentleman at the head of the Government, as reported in *The Times* newspaper, it was stated that all the property of the Irish Church would vest in the Commissioners immediately the Bill became an Act of Parliament, and that immediately after the passing of the Act the Irish Church would be, *ipso facto*, disendowed; but he did not see that those proposals had been carried out in the Bill. The right hon. Gentleman had further stated that the property of the Irish Church would be put in such a position that it would be impossible for them to again interfere with it; but on that point, again, the Bill failed to carry into effect its promises. Believing that the laity as well as the clergy of the Irish Church had been unjustly treated, many persons would take every opportunity of reopening this question during the next ten years, while the property of the Church remained in the hands of the Commissioners. He regretted that the hon. and learned Member for Richmond (Sir Roundell Palmer) had not submitted certain clauses to the Committee with the view of settling the question whether the vested interests of the large congregations in Ireland should not be respected, and expressed his determination, in the event of no other hon. Member proposing such clauses, to do so himself.

MR. H. A. HERBERT said, that, as an Irish Protestant and Member for a county in the South of Ireland (Kerry), he wished to repudiate the allegation made by hon. Members opposite, that when this Bill was passed the Protestants of Ireland would not pay their clergy. It must be remembered that the greater part of the land in that country was in the hands of Protestants, and surely they would do as much for their clergy as the Roman Catholics did for their priests!

Mr. D'ARCY said, that, after the remarks made the other evening by the right hon. Member for Buckinghamshire (Mr. Disraeli) that he should not be sorry if any Amendment led to the defeat of the Bill, they ought to feel cautious how they agreed to any alteration proposed to be made in it. He (Mr. D'Arcy) confessed that the remarks of the right hon. Gentleman had made him determined to give the strongest opposition to the Amendments. The charge had been brought against hon. Members sitting on his side of the House that they had not spoken upon this Bill; but he would remark that the matter having already been fully discussed in the debates of last year, it was unnecessary to reiterate arguments that had been so often stated. The Bill had been brought in for the purpose of benefiting those who were a vast majority, and whose religion was that of the country in which they lived. The Protestant Establishment had been defended on the ground that it was a missionary Church, so that a religion was attempted to be forced on the people of Ireland, which they had never "cottoned to." It was the fact that even in Ulster and Derry the Roman Catholics formed a large majority of the population.

Mr. BENTINCK, who was received with loud cries of "Divide, divide!" begged to inform the right hon. Gentleman at the head of the Government that if his Supporters below the Gangway continued their attempts, by making noises, to suppress all discussion of the details of this measure, hon. Members on the Opposition side of the House had determined to move that the Chairman report Progress, and to press the Motion to a division. The right hon. Gentleman (Mr. Gladstone) had stated last year that the Church of Ireland was to be treated with the utmost tenderness, and he got his majority at the elections by that promise; but, before they went much further into the discussion, it would be seen that the right hon. Gentleman had kept his promise only to the ear, and had broken it to the hope. And as regarded the advantages anticipated from the Bill, he feared it would be discovered that the hopes of the right hon. Gentleman would be of the most fallacious kind. He hoped it would be understood that they did not at all fear the course pursued by Members below the Gangway.

Sir HENRY HOARE said, it appeared to him that the sympathies of hon. Gentlemen on the Opposition side were all the stronger because they were voting with a miserable minority. On the Ministerial side a large majority felt that they were supporting the cause of justice towards 4,500,000 people. This made them impatient of obstructive delay. If hon. Gentlemen opposite were not afraid of them, they were not afraid of the Opposition, nor of the verdict of the people of England.

Lord CLAUD HAMILTON said, he must protest against an hon. Gentleman, just fledged with Parliamentary honours, styling a large party in that House a "miserable minority." What was the hon. Gentleman, and what were his antecedents, that he should feel himself warranted in using such language towards a large portion of Her Majesty's subjects? The hon. Member spoke of an "obstructive policy." Did he imagine that the whole duty of a Member of Parliament consisted in obeying the orders of the Government? If, when Irish Members rose in that House to express the opinions of their constituents, they were to be told that was an obstructive course, there must be a repeal of the Union. If hon. Members were not to express their opinions in that House, where were they to express them? If he knew anything of his right hon. Friend at the head of the Government, he (Mr. Gladstone) must disapprove the shouting and other manifestations of impatience in which his Supporters were indulging.

Mr. GLADSTONE said, the discussion certainly had assumed a warmer tone than was desirable for the progress of business; but he thought his noble Friend (Lord Claud Hamilton) must admit that words used on the opposite side of the House had been the cause of the debate growing so warm. His noble Friend was quite correct in maintaining that every Irish Member, as well as every other Member, had a right to express his views fully and freely on any matter before the Committee; and though the Committee were now considering only a clause, there was no doubt that the vote on that clause would be a decision on a very important principle. Again, he must respectfully protest, against the very disparaging view of

Irish Protestantism put forward by some hon. Gentlemen who advocated the claims of the Irish Established Church. After the admirable remarks of his hon. Friend the Member for Kerry (Mr. H. A. Herbert), who had expressed, without heat but with decision, some amount of indignation at those gloomy and continual prophecies, it was not necessary for him to go into any argument in answer to those hon. Gentlemen; but he (Mr. Gladstone) must observe that he did not think anything half so insulting to the Irish Protestants had ever been alleged by their strongest opponents as this most disparaging declaration—that without an Establishment it would be impossible for the Irish Protestant Church to exist in the South and West; or, as some went so far as to assert, in any part of Ireland. It must be recollected that some of the hon. Gentlemen who indulged in those lamentations for the future prosperity of the Protestant Church in Ireland, when they came to another part of their argument, stated that, in their opinion, seven-eighths of the soil of Ireland were in the hands of Protestant proprietors. It was very proper that those hon. Gentlemen should state this latter circumstance; but the statement did not accord very well with the tragic declaration that the Irish Protestants would not be able to support their own Church. In England, for 300 years after the Reformation, the Roman Catholics, though a small sect, kept their religion alive and maintained it. In Scotland and in Wales the members of unendowed Churches had supported those Churches. He must, therefore, protest against the allegation that the Irish Protestants would not support, or would not be able to support, their religion.

Mr. NEWDEGATE remarked that some hon. Members opposite, below the Gangway, had stated that they were not afraid of the Opposition. This was rather amusing after they had attempted to exercise the power of a tyrant majority. If any conclusion was to be drawn from a newspaper article, it would appear from one in a morning paper, that something like the *clôture* was to be resorted to. If Members opposite were in a majority in that House, Members on his side represented a majority of the English people. ["No, no!"] Hon. Members might cry "No, no!" but he was prepared, if necessary, to prove the truth of his assertion. He felt it to be his duty to resist an invasion of their rights and liberties. So far from obstruction having been offered, the Committee had actually reached in two nights the 12th clause of this important Bill. He believed that where the Protestants in Ireland were collected in sufficient numbers they would maintain their religion; but he denied that the peace of the country would be consequently promoted. On the contrary, history taught them that the times when Protestantism had to maintain itself without the protection of the law were times of trouble and discord. On the other hand, the small Protestant congregations scattered through the South and West of Ireland really required the protection of the law, or their existence, as assailed by the organization of the Roman priesthood, would be imperilled for want of it.

Mr. WHALLEY said, that if anybody could have given a reason why Protestants should vote against the clause, it was surely the hon. Gentleman the Member for North Warwickshire (Mr. Newdegate); but he (Mr. Whalley) saw nothing in the arguments of the hon. Member to justify them in so doing. The fact was the Episcopal Church in Ireland had been a traitor to the country in which it had been established, and not only had it neglected its duty, but it had turned its resources and influence against the very purpose for which it had been endowed. A great deal had been said about the prosperity of Ulster, but Ulster owed its prosperity not to the Episcopalians but to the Presbyterians of Scotland; and how had the members of the Established Church treated their brother Protestants of the Kirk? They had enacted against them penal laws almost as severe as those they had passed against the Roman Catholics.

Mr. E. W. VERNER said, he could not allow a division to take place without his making some observations on the conduct of hon. Members opposite. The right hon. Gentleman (Mr. Gladstone) attributed that conduct to words of heat spoken on the Opposition side. He (Mr. Verner) had heard no such words; but he had heard the expressions which had proceeded from the other side. As one of the representatives returned, by what the hon. Baronet the Member for Chelsea

(Sir Henry Hoare) was pleased to call a "miserable minority," he desired to inform the hon. Baronet that the "miserable minority" comprised the most energetic and industrious portions of the community. [Sir HENRY HOARE said, he had intended to imply that the minority were miserable as regarded numbers.] The present condition of Ulster was a standing monument of the enterprize and perseverance of the Irish Protestants, and they were hardly deserving of the epithet of "miserable," in whatever sense it was applied. He would remind the Committee that the Irish Protestants were independent; while the Roman Catholics took their orders from Cardinal Cullen, who, with his Bishops, had exercised an enormous influence in the late elections in the South and West of Ireland. As to the observations of the hon. Member for Peterborough (Mr. Whalley) he (Mr. Verner) denied that the Episcopal Church had oppressed the Presbyterians or any other body, though he must admit that that Church had, unfortunately, been used by the English Government of the day for political purposes, and acts had been done which he did not stand up to defend. He was only surprised that the hon. Member for Peterborough, whose zeal for Protestantism was so greatly to be admired, showed it in such an odd way by his votes and speeches against the Irish Church. If they looked to the members of the two Churches in Ireland, they would find that the relative proportion of those belonging to the Protestant Episcopal Church, as against that of the adherents of the Roman Catholic Church, was far greater now than it was in former years.

SIR FREDERICK HEYGATE said, he would appeal to hon. Members opposite whether the course they had adopted in this debate—of drowning the voices of the speaker by clamour and cries of "Divide!"—was dignified or becoming. He thought that it was neither. This clause was one of the most important in the Bill, and yet there was an evident desire to force a premature division on it. Now the Bill was drawn so skilfully—having regard to the object of its promoters—that it was almost impossible to oppose any single clause without entering into the whole principle of the measure. So strongly did he feel this that he had seriously debated within himself what course it would be best to pursue. It seemed so utterly hopeless to make any improvement in the Bill that, as far as he was concerned, he felt almost inclined to walk out of the House and let the Bill take its chance, rather than engage in the dirty and humiliating task of proposing hopeless Amendments that were sure neither to be carried nor fairly considered or temperately discussed. With the exception of a few isolated clauses, the different portions of the Bill so hung together that it was impossible to improve them in detail. But it was unreasonable in hon. Gentlemen opposite to suppose that the Bill could be passed without at least a protest from the Opposition Benches. Was so great an institution as the Irish Church to be annihilated in a single year without warning or notice of any kind; and were they to be expected to sit silent while the work of destruction was being carried on from stage to stage? It would be neither right nor possible for them to adopt such a course. He must say he was by no means certain that those melancholy forebodings which had been uttered in reference to the future of Protestantism in Ireland would be realized; but he feared that the strong feeling of animosity which had been manifested during the present discussion was only the forerunner of the spirit likely to be exhibited hereafter in Ireland on the question. No doubt the Protestants would take care of their religion; but, in the very act of so doing, and under the very stress of that necessity, they would be compelled to draw themselves closer together in the towns, to separate themselves, for defensive purposes, more and more from their Roman Catholic fellow-countrymen; and, in that way, the divisions in Ireland would be aggravated, rather than diminished, by the operation of the Bill, and its immediate effect must be to leave a sense of injustice rankling in the minds of the Irish Protestants. He would only say, in conclusion, that hon. Gentlemen opposite would do generously to abstain from making a tyrannous use of their strength; that they were in a majority, and so great a majority should make them treat the minority with the more consideration and courtesy.

SIR PATRICK O'BRIEN said, he could assure the hon. Baronet that by no

Catholic in the House, and by no educated Catholic in Ireland, would the majorities in the divisions on this Bill be received with any feelings of party triumph. They simply regarded the present measure as one calculated to conciliate Ireland, and remove from that country the curse of sectarian differences; they had the same interest that the hon. Baronet (Sir Francis Heygate) as a resident had in the conciliation of the Irish people. Many Catholic Members had refrained from speaking lest by a casual expression they should give offence. With regard to the present debate, no one could object to the noble Lord the Member for Tyrone (Lord Claud Hamilton), long connected with a strong party, and holding strong opinions, expressing them in a strong way, nor to the hon. Member for North Warwickshire (Mr. Newdegate) explaining the views he sincerely entertained; but he could understand, towards the close of a lengthened debate, interruption being offered to Members not influenced by any very strong or distinct opinions, and who often did not exhibit any very special intellectual qualifications. He could not describe the acting of the hon. Member for Whitehaven (Mr. Bentinck)—he seemed to suppose that his mere rising excited terror on that side of the House, and that he possessed in an eminent degree those attributes of Byron's *Corsair*—

> "There was a laughing devil in his sneer,
> That raised emotions both of rage and fear;
> And where his frown of hatred darkly fell,
> Hope withering fled, and 'Mercy sighed farewell.'"

He could assure the hon. Gentleman that he was not so terrible. There was not any hon. Member in the House more notorious than the hon. Member for Whitehaven for interrupting individual Members on occasions when it suited him. When the hon. Member was sitting on that (the Ministerial) side of the House, he (Sir Patrick O'Brien) had constantly observed the hon. Member practising that very course that he now so vehemently deprecated.

Mr. R. N. FOWLER said, that as this clause dealt with £16,000,000 of property, he thought that hon. Members were entitled to discuss it at some length, without being incessantly interrupted by calls for a division. He thought it a gross injustice to take away the property of the Irish Church, especially without warning. They had heard a great deal about the voluntary principle, and particularly about the voluntary principle in Wales; but, he would ask, what had the voluntary principle done in Ireland? Was it not a fact that the two great voluntary bodies the Wesleyans and the Independents had never flourished in Ireland? He could quite understand that this clause, and the Bill of which it formed so vital a part, would receive the support of Nonconformists and of Roman Catholics, but it was difficult to understand the reasons by which hon. Members who adhered to the Episcopal Church could convince themselves that it was wise to destroy the branch of that Church established in Ireland, or how they could fail to see that the fate of Ireland to-day must be that of England to-morrow. He gave full credit to hon. Gentlemen opposite for the rectitude of their motives. As regarded those of them who were opposed to the Church of England, their course was perfectly natural; while, as to those hon. Members who belonged to that Church, he was bound to believe that they had reasons satisfactory to themselves, though he must confess he could not understand them. But as regarded those of them on that side the House who believed that this measure was in its principle a national renunciation of the God who made us great, and that, in its details, it was fraught with the grossest injustice, there was but one clear duty, and that was by every means in their power to oppose it. However unavailing that opposition might be, they could at least to their dying day be enabled to cling to the consolation that they had not the guilt of sacrilege on their souls; that, in the eloquent words of the right hon. Member for Oxfordshire (Mr. Henley), they had not "been recreant to their country, their Sovereign, and their God."

Mr. BRUEN said, he could not allow this clause to pass without entering his protest against it. They were told that Protestants ought not to regard this clause as so important, because Protestants held seven-eighths of the property in Ireland. But he must remind the House that that property was not all in the hands of Protestant resident landlords; and that a great deal of it was in the hands of absentees, men who lived in England, and who, many of them, the supporters of this Bill, did not offer any encouragement to the Protestants of Ireland to expect any help from them. If the land of Ireland was all in the hands of resident proprietors, there would be nothing to fear for the support of Protestantism; but, as it was, he feared that in the South and West of Ireland Protestantism was doomed to extinction. The hon. Member for Kerry (Mr. H. A. Herbert) had protested against the slur which he said was cast on the Protestants of Ireland by the fears which had been expressed as to the Protestant Church being extinguished. He (Mr. Bruen) was quite sure that in the hon. Member's part of the country no such result would happen, but in the other parts of Ireland, he feared it would be very different. The Bill held out strong temptations to the non-resident landlords to get rid of the poor Protestants on their estates that they might not be burdened with the support of the Protestant worship.

Mr. CHARLEY said, the First Minister of the Crown had laid down the principle that the Protestants of Ireland ought to be able to provide for the support of their Church. He (Mr. Charley) had no doubt that in the large towns they would be able to provide for the celebration of worship, but what would happen in the country districts of the South and West of Ireland, where the poor Protestants were scattered in groups of three, or five, or ten, or twenty? These people were very poor, either farm labourers or farmers of the same class with the Roman Catholics. It was said the Protestant landlords ought to provide religious ministration for them; and, no doubt, if all landlords were resident like the hon. Member for Kerry (Mr. H. A. Herbert), there might be nothing to fear. But great numbers of Irish landlords were non-resident; and all the landlords, both resident and non-resident, would, no doubt, object to pay twice over—first in the shape of tithes, and secondly for the voluntary support of the Protestant Church.

Mr. HOLT said, he wished to call attention to the difference between the terms of this clause and the addresses which hon. Members delivered to their constituents last year. Then the property of the Church was spoken of by the right hon. Gentleman as national property, but in this clause it was designated as Church property, for the clause was to provide that "Church property" should be vested in Commissioners. He thought the arguments of the hon. and learned Member for Richmond (Sir Roundell Palmer) on this point had never yet been answered; and, in his opinion, they were now establishing a principle which they would feel hereafter. There was no difference in tenure between ecclesiastical and lay property. Indeed, the title of an ecclesiastical corporation seemed to him to be stronger than that of a layman, and this House had no more right to interfere with the one than with the other.

Question put, "That the Clause, as amended, stand part of the Bill."

The Committee *divided*:—Ayes 214; Noes 103: Majority 111.

Clause *ordered* to stand part of the Bill.

Clause 13 (Dissolution of ecclesiastical corporations, and cessation of right to sit in House of Lords).

Mr. GOLDNEY said, he wished to call attention to the date when this clause was to come into operation as compared with the date in Clause 12. He made the suggestion rather with a view to the practical working of the Bill than in opposition to it. By Clause 12 it was provided that, on the 1st of January, 1871, the property of the Irish Church should be vested in Commissioners. By Clause 13 the same date was provided for the dissolution of ecclesiastical corporations. Now he wished to ask the Attorney General for Ireland whether the effect of the operation of the Act would not be that, when the dissolution of those corporations occurred, the lands, instead of becoming vested in the Commissioners, would rather revert to those who granted the property. If the date for vesting the property was before the dissolution it would not have that effect. With regard to the words respecting every ecclesiastical and cathedral corporation in Ireland, he presumed that the definition was intended to be confined to cathedral corporations, as the interpretation clause was silent as to other corporations. That, however, did not affect the question he intended to raise—namely, whether the effect of dissolving these corporations on the same day as that proposed for vesting the property in the

Commissioners, might not lead to a dispute between the Commissioners and the representatives of the donors of the property. He would also draw attention to the circumstance that the dissolution of ecclesiastical corporations would invalidate debts due to them; and that, under the 14th clause, the compensation to holders of benefices was to be conditional on the performance of their duties, whereas, by the dissolution of the corporations to which they were attached, the performance of their duties in relation to such corporations would cease. In conclusion, he moved to omit the word "dissolved," in order to insert the words "continued until the duties required by this Act be performed."

The ATTORNEY GENERAL for IRELAND (Mr. Sullivan) said, that the 12th clause, taken in connection with the 13th, provided that as soon as a corporation was dissolved, *eo instante*, its property would pass over to the Commissioners. If another vesting date were named considerable difficulties might possibly arise.

Colonel WILSON-PATTEN said, he wished to ask whether the clause did not interfere with the Prerogative of the Crown to create Peers? Its words applied personally to the Archbishops and Bishops; but there had been instances where persons holding ecclesiastical dignities in Ireland had been created Temporal Peers. The right of so creating them would be taken away by this clause.

The ATTORNEY GENERAL for IRELAND (Mr. Sullivan) said, he would remove the objection by adding the words "as such."

Sir STAFFORD NORTHCOTE said, he wished to know what would be the position of any trust which might be vested in the rector of a parish after the corporation sole was destroyed. Would the trust continue, and, if so, by whom would it be exercised?

The ATTORNEY GENERAL for IRELAND (Mr. Sullivan) was understood to say that the case was already provided for by some of the clauses in the Bill.

Sir ROUNDELL PALMER said, he apprehended that the right hon. Baronet did not refer to trusts for the benefit of the Church, but for other purposes. If so, there was no clause in the Bill to meet the difficulty.

The ATTORNEY GENERAL for IRELAND (Mr. Sullivan) said, the 29th clause provided for private endowments.

Sir ROUNDELL PALMER said, it frequently happened that there were charities for the benefit of the poor and other persons, and not for the maintenance of divine worship in the Church. In such cases the trust was not seldom vested in the rector and churchwardens, or in the rector alone; and he certainly thought that charities of this kind were not provided for by the 29th clause.

Dr. BALL said, he was of opinion that this class of cases ought to be dealt with in a separate Bill.

The ATTORNEY GENERAL for IRELAND (Mr. Sullivan) said, he would introduce a new clause relating to this subject.

Sir ROUNDELL PALMER said, that by the present marriage law of Ireland clergymen of the Church of England could not perform the marriage ceremony unless banns had been published or licenses granted. The whole law on the matter proceeded on a footing which would be put an end to if the present clause came into operation. This was a matter which ought to be attended to, though perhaps it ought not to be dealt with by this Bill.

The ATTORNEY GENERAL for IRELAND (Mr. Sullivan) said, it was intended to bring in a separate measure on the subject.

Mr. GOLDNEY said, he would withdraw his Amendment, on the understanding that the matter it referred to should be treated in an additional clause.

Mr. CHARLEY said, he had placed on the Paper an Amendment in Clause 13, page 5, line 8, to leave out—

"And on and after that day no Archbishop or Bishop of the said Church shall be summoned to, or be qualified to sit in, the House of Lords,"

and in the earlier part of the evening he had given notice of an Amendment in Clause 58, page 25, line 18, which he thought was necessary to supplement his previous Amendment, to omit "but no" and insert "and every," and in line 19 to omit the words "be summoned to, or be qualified to sit in, the House of Lords, and he shall." He would make an appeal to hon. Gentlemen opposite. They had had one evening for discussing the question of disestablishment, and that evening they had discussed the equally important question of disendowment. The question he had to bring before the Committee was one of equal, if not greater, importance, involving as it did the privileges of "another place." Considering the crowded state of the Business Paper, containing no fewer than nine Orders in addition to the Irish Church Bill, he would suggest that they should now report Progress, in order that he might bring that question before them tomorrow. ["No, no!"] It might be said that, in proposing his Amendment and in the course which he took on that Bill, he had assumed a position to which, as a new Member, he was not entitled. But he occupied a peculiar position in that House—a position which he shared with only one other Member, the hon. Baronet the Member for Devizes (Sir Thomas Bateson). He was at once an Irish Churchman and the representative of an English constituency largely composed of the newly-enfranchised working classes, and, therefore, he had a kind of right to speak twice for any other hon. Member's once—first, from an English and then from an Irish point of view. He trusted that on any other question he should always display the modesty which was associated with a new Member. His election was, to a great extent, a protest against the policy of the right hon. Gentleman, who sought to draw a "hard and fast line" between the Church in Ireland and the Church in England, which the constituency of Salford did not choose to adopt. The appointment, on the recommendation of the right hon. Member for Buckinghamshire, of the Dean of Cork to be Bishop of Peterborough was also a protest against that policy, which was a kind of penal law, declaring that if any Irish clergyman remained in his own country he would be debarred for ever from the dignity of the Spiritual Peerage. What had the Irish clergy done that their blood was to be thus, as it were, tainted? The right hon. Gentleman at the head of the Government had pronounced many a warm eulogium upon the clergy of the Established Church in Ireland, and Lord Brougham had said that their conduct had been so exemplary, that the Roman Catholic priests would do well to follow it. The Church in Ireland had produced many illustrious Prelates who had enjoyed the Spiritual Peerage. If he took up the Oxford *Encyclopædia*, it would be found that, of Irishmen who had distinguished themselves in the republic of letters, the very first name was that of Archbishop Ussher, and the fourth was that of another Spiritual Peer—the philosophic Bishop Berkeley. He might refer to others who were still dearer to the hearts of Irishmen—to Bishop Bedell and Bishop Jeremy Taylor; and, coming down to recent times, he need only point to two Prelates who had successively filled the see of Dublin, to Archbishop Whately and Archbishop Trench, than whom none could be found worthier to sit in the House of Lords. The Bishops of the Irish Church were lineal successors of the pre-Reformation Prelates. There might be some difference of opinion as to whether the people and the priests had conformed, though there was authority for stating that the great body of the people did conform down to the latter part of the reign of Elizabeth. Spencer stated that "the priests baptized yet after the Popish fashion," which showed that they had not been expelled from their cures. The Attorney General for Ireland had told the House that barely one Bishop conformed at the Reformation. But his reply was that in the reign of Henry VIII. and Queen Elizabeth the Bishops adopted the Reformed Creed, and he had proved that in the debate on the second reading. His statements with reference to the Bishops in the reign of Henry VIII. had not been challenged; but what he had said with respect to the Marian Bishops had been challenged by Dr. Mazière Brady, incumbent of Donoghpatrick, who, as he had only thirty Protestants to attend to, devoted his leisure to defending the Roman Catholic Church in Ireland. Dr. Brady asserted that the document which he (Mr. Charley) had quoted in support of his statement was spurious, because it could not now be found in the Rolls Office, because the name of Lord Devlin appeared in it, though that nobleman had died a month before the meeting of the Parliament, and because the Christian names in several cases were omitted. The eminent antiquary, Mr. James Hardman, wrote at p. 16 of his "Introduction" to the Statute of Kilkenny, in Vol. II. of *Tracts relating to Ireland*, (printed for the Irish Archæological Society, Dublin, 1843)—

> "In the Appendix II., at the close of this tract, will be found a list of the Members of the two Houses of the first Parliament of Queen Elizabeth, held in Ireland, A.D. 1560, taken from the original record and not before published."

In Appendix II., p. 134, Mr. Hardman wrote—

> "The following list of Lords Spiritual and Temporal, Knights, Citizens, and Burgesses of the First Parliament of Queen Elizabeth, held at Dublin, A.D. 1560, is taken from a record preserved in the Rolls Office there, furnished by the intelligent officer of Inrolments in that department, George Hatchell, Esq. It is inserted here for preservation, as it has not been hitherto printed, and the original document is in a state of decay, being in some parts intelligible:—'*Nomina dominorum Spiritualium et Temporalium ac Communium in quodam Parliamento dominæ Reginæ apud Dublin XI.° die Januarii coram charissimo Thoma Comite Sussex summonito et tento.*'"

The list included twenty Spiritual and twenty-three Temporal Peers. Mr. Lynch, in his *Feudal Dignities*, treated the list as perfectly genuine, and mentioned that "detached portions of the document were lately offered in evidence in the House of Lords." He ridiculed the idea that the original record in the Rolls Office, Dublin, was merely a Pawn of Parliament, that is, a Register of Writs about to be issued—

> "The form, the language, and the contents, prove that it was prepared after the Parliament had assembled, and consequently that it now affords evidence of sittings for the Peers therein named."

The original record, which was in a state of decay a quarter of a century ago, might not now exist, but he (Mr. Charley) preferred the authority of the learned antiquaries, Hardman and Lynch, and that of "the intelligent officer of Inrolments, George Hatchell, Esq.," who saw and copied the list, to the conjectures of Dr. Brady. Archdall, in his *Irish Peerage* (Vol. I., p. 232), alluded to Lord Devlin's death a month before the meeting of Parliament, but in a foot-note he added—

> "The inquisition *post-mortem* places his death as in the text; and, if so, it proves that the use of his name in the Roll as one of the Lords present in the Parliament held by the Lord Deputy Sussex, 11th January, 1560, is a mistake."

He did not venture, like Dr. Brady, to pronounce the list "spurious" on account of an error with regard to a name! It would be easy to supply the Christian names which were omitted. Thus, the *Episcopus Laonensis* (Bishop of Killaloe) was Terence O'Brien (*Ware's Bishops*, p. 595); and Father Courayer (*Defence of the Dissertation*, Vol. I, p. 131) mentioned that O'Brien embraced the Reformed Faith. His argument was that the Irish Spiritual Peers, with the exception of two, Walsh of Meath, and Leverous of Kildare, assented in Parliament to the Acts of Supremacy and Uniformity. The statutes 2 Elizabeth were stated to have been passed "with the assent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled." The Bills introduced by the Lord Deputy must, therefore, have received the sanction of both Houses of Parliament. Dr. Brady had suggested that two, at least, of the Temporal Lords, Desmond and Baltinglas, dissented. The number of dissentient Peers might be largely increased, as appeared from Leland (*History of Ireland*, Vol. II., p. 224) and Moore (Vol. IV., p. 21). On the other hand, Carte, in his *Life of Ormond*, (Vol. I., p. 33) said—"In Ireland the Bishops complied with the Reformation." Sir Richard Cox, in his *History of Ireland* (Vol. I., p. 314), said—"The Popish Bishops complied with the Government and kept their sees." Bishop Jeremy Taylor said—"The Popish Bishops conformed," (*Bramhall's Works*, Vol. I., p. 59). Father Peter Courayer said—"Most of the Bishops in Ireland embraced the Reformation and kept their dignities;" and he expressly enumerated the three Archbishops and six of the Bishops mentioned in the Roll of 2 *Elizabeth*. Leland and Moore—the latter a Roman Catholic—both contrasted the firmness of the Temporal Peers with the pliancy of the Spiritual Peers. Moore said that "the changes were acquiesced in by most of the ecclesiastical authorities." Both historians, however, expressly excepted Bishops Walsh of Meath and Leverous of Kildare. His argument, therefore, was briefly this—The statutes 2 Elizabeth were passed by the Irish House of Lords and the Irish House of Commons. The Roll of Parliament shewed that twenty Spiritual Peers and twenty-three Temporal Peers sat in the House of Lords. The former, therefore, were nearly as numerous as the latter. There was evidence that many of the Temporal Peers still clung to the Church of Rome, while most of the Spiritual Peers conformed, two only having been deprived for refusing to take the Oath of Supremacy imposed by 2 *Elizabeth* c. 1, s. 7. The conclusion he drew was that the Spiritual Peers, as a body, assented in Parliament to the statutes 2 Elizabeth. How otherwise could those statutes have passed the House of Lords, notwithstanding the opposition of so many Temporal Peers? No doubt the Act of Union placed both the Temporal and Spiritual Peers on a different footing. The twenty-eight Temporal Peers were Representative Peers. The Spiritual Peers for the time being were four in number. They were now in a better position than the Temporal Peers, because many of the Temporal Peers could not expect to sit in Parliament, but the Spiritual Peers might do so if they happened to live long enough. The spiritual Peers formed the first Estate of the Realm. There were some people who seemed to think that the Sovereign was the first Estate of the Realm. This fallacy had been well exposed by the historian Hallam, who showed conclusively that the three Estates of the Realm were the clergy, nobility, and commonalty, represented in Parliament by the Lords Spiritual, Lords Temporal, and Commons, and that the Queen ruled the three Estates. Hallam said (*Middle Ages*, cap. viii., p. 106, note *b*)—

> "The source of this error is the inattention to the primary sense of the word estate (*status*), which means an order or condition into which men are classed by the institutions of society. It is only in a secondary, or, rather, an elliptical sense, that it can be referred to their representatives in Parliament or national councils. The Lords Temporal, indeed, of England are identical with the estate of the nobility; but the House of Commons is not strictly speaking the estate of the commonalty to which its Members belong, and from which they are deputed. So the whole body of the clergy are, properly speaking, one of the estates, and are described as such in the older authorities—21 Ric. II., *Rot. Parl.*, vol. iii. p. 348—though latterly the Lords Spiritual in Parliament acquired, with less correctness, that appellation. The Bishops, indeed, may be said to represent, constructively, the whole of the clergy, with whose grievances they are supposed to be best acquainted, and whose rights it is their peculiar duty to defend."

The object of the clause was to take away from the clergy representation in the House of Lords. Had he known the clause would be under discussion this evening, he would have put a Notice on the Paper to ask the Prime Minister whether he intended to propose the abolition of the penalties the Irish clergy would be subject to if they attempted to gain a seat in the House of Commons? Such an alteration in the law would be but common justice, considering that one Nonconformist minister, at least, the hon. Member for Merthyr, had been returned. It was an error to suppose the Bishops sat as barons only, they sat in the Saxon Wittenagemote and in the Conqueror's Parliament by virtue of their ecclesiastical position; and Sir Erskine May was of opinion that they had always sat in Parliament by virtue of their Episcopal dignity. The clause was a direct attack upon the privileges of the House of Lords. The House of Commons refused to allow any Bill having reference to the election of its Members to be commenced in the House of Lords, yet the Commons presumed to initiate measures for dealing with the seats of Members of the Upper House. Again, the 62nd clause of the Bill provided that nothing contained in the Bill should affect the Act of Union, except as regards the union of the Churches, which was dealt with in the 5th Article of the Union. But the 13th clause, which the Committee were considering, related to the 4th Article of the Union, which provided that four Lords Spiritual of Ireland should sit in the House of Lords, and that questions relating to their right to sit should be decided by the House of Lords. This 4th Article, then, was directly attacked by the clause under discussion, and was not covered by the 62nd clause. With regard to the precedents for the course proposed, there were only two. The first was with reference to Scotland. But, although the Scotch clergy were not represented by Spiritual Peers, this arrangement had been agreed to before the Union of Scotland with England among the Scotch themselves in Parliament, and the preservation of the Presbyterian form of Church government was a very important part of the Act of Union between England and Scotland. The Irish Parliament, on the contrary, stipulated that their Spiritual Peers should continme to form an integral part of the Parliamentary government of the United Kingdom. The anomalous state of things in reference to Scotland had struck the right hon. Gentleman the present Prime Minister when writing his treatise on the *Union of Church and State*. He asked—

> "How are we justified in supporting the anomaly? The difficulty," he replies, "is great, but the answer appears to me to be this:—It has

become matter of law, and of compact, and good faith by the law as such. To this extent it may be said, *fieri non debuit, factum valet*. As individuals, those who hold the unity of the body are bound to endeavour to restore the apostolic system in the national estate of religion for Scotland, and for that end to use every fair means of procuring the alteration of the law. But the Act of Union with Scotland recites an Act of the Scottish Parliament establishing the Church with its Presbyterian discipline, and requiring of the Sovereign an Oath to maintain it, and makes the observance of this Act a fundamental and essential condition of the Union. Thus it has become part of the nation's organic life, and as a part thereof, still under the same contract, it claims that we shall fulfil on its behalf all that belongs to a national Establishment."

The other precedent was that of 1641—a precedent of very unhappy memory. In the Remonstrance of 1641, the Commons informed the King that they had passed a Bill for taking away the votes of the Bishops, and asked His Majesty to assent to it, adding that it was far from their wish to let loose the golden reins of discipline. Yet within ten months the Commons passed a Bill for the abolition of Episcopacy, which the Lords passed as "a peace-offering!" On the 5th February, 1642, the House of Lords passed the Bill for taking away the Bishops' votes in Parliament. The King hesitated; but a Roman Catholic Queen persuaded him to assent to the Bill. On the 6th February, 1649, the House of Commons resolved without a division—

> "That the House of Peers is useless and dangerous and ought to be abolished, and that a Bill be brought in for the purpose."

On the 7th February, 1649, the House of Commons resolved—

> "That this House doth declare that the office of a King in this nation is unnecessary and burthensome, and dangerous to the liberty, safety, and public interest of the people of this nation, and therefore ought to be abolished."

A Bill was ordered to be brought in for this purpose by the same Committee which was to bring in the Bill for abolishing the House of Lords. The sequence was suggestive — first, the Spiritual Peers, then the Temporal Peers, and then the Throne; and there were persons in the country who, in this respect, would wish to see history repeat itself. If any one of the essential parts of the Constitution was assailed, the entire fabric would be shaken; and he should be sorry indeed to see the House of Commons arrogate to itself again the supreme power in the State. Ireland would not like a repetition of the precedent he had cited. Ireland had no pleasant recollections of the Commonwealth. She looked back upon it with a shudder as one of the darkest pages in her dark and gloomy history. He concluded by moving the omission of the words at the end of Clause 13, providing that no Archbishop or Bishop of the Irish Church should be summoned to or be qualified to sit in the House of Lords.

MR. BRUEN said, he rose to ask the Government whether, if the Irish Bishops were excluded from the House of Lords, it was intended to appoint four other Peers in their place; and, if so, how it was proposed they should be chosen? because, if the places of the Bishops were not filled up, it was clear that the power of Ireland in the House of Peers would be diminished.

MR. CHICHESTER FORTESCUE said, he would not follow the hon. Member for Salford (Mr. Charley) into former controversies about Irish Bishops, being satisfied of the fact, patent to all, that whether more or less of the Bishops of past days conformed to the Reformed Religion, at all events, the great majority of the people of Ireland did not accept the Reformed Religion, but rejected it; otherwise the House of Commons would not have been engaged in passing this Bill. The proposition that the future Archbishops and Bishops of the Protestant Episcopal but voluntary Church of Ireland should continue to represent the Church in the Upper House was one which he thought few Members of the Committee would assent to, because the presence of the Bishops in the Upper House depended upon the connection of the Church with the State. The argument that, as the Irish clergy could not sit in the House of Commons, they ought to be represented in the Upper House, would apply equally to the clergy of the Roman Catholic Church, who were under similar disabilities. As to the privileges of either House, he assumed that the Upper House could, if it chose, without violating the privilege of the Lower House, introduce a Bill affecting the representation of the people in the latter. With respect to the privileges of individuals, the case might be different; but they were dealing, not with individuals, but with a class. The question whether the present Archbishops and Bishops should retain their seats in the Upper House was not altogether so obvious as the larger one relating to the future Prelates of the Irish Church; but, after much consideration, the Government were of opinion that the reasons which absolutely prohibited the presence of the future Prelates of the Irish Church from sitting in theHouse of Lords were of great force and cogency, even as affecting the present respected occupants of those seats. It appeared to the Government that, from the moment the Protestant Episcopal Church in Ireland ceased to be an Establishment and lost all connection with the State, the presence of even the existing Prelates of that Church in the Upper House would be inconsistent with the then position of the Church, and hardly consistent with the feelings of those eminent persons themselves. The Government had been as careful as possible to preserve individual rights and privileges, and to provide compensations for losses; but there were necessarily changes which did not admit of pecuniary compensation. This affecting Bishops was one, and another was that which deprived incumbents of parishes of their legal status. The incumbent of every parish would retain as good a pecuniary position as he now held for the rest of his life; but he would cease to be a corporation in law and to be the parson of the parish; and he would necessarily lose a ,tatus for which he could not be compensated. Similarly, the Government were of opinion that the right of the Archbishops and Bishops of the Irish Church to sit in the Upper House was one which, on the one hand, did not admit of compensation for the loss of it, and the continuance of which, on the other, would be inconsistent with the objects and provisions of the Bill. They, therefore, felt bound to oppose the Amendment of the hon. Member.

Mr. GATHORNE HARDY said, the hon. Member for Salford had argued this question with great learning, ability, and research into the history of the Episcopal seats in the House of Lords, and had shown that, no doubt, both before the Union, and since, the Church of Ireland had been so represented. But, feeling as strongly as he did on the question of disestablishment, he must own it would be an injudicious course to press the Motion to a division. There were many very peculiar circumstances that would render that extremely inexpedient. Supposing one of the Archbishops to die, the other would sit every alternate year, which would be an absurdity; and so as to the Bishops—one Bishop would be sitting every fourth year. He trusted, after the division the other night on the 2nd clause and under the very peculiar circumstances of the case the hon. Member would not press the Motion.

Mr. CHARLEY said, he must deny the dictum of the Chief Secretary for Ireland, that the House of Lords could initiate alterations in the constitution of the House of Commons; and he might quote the authority of Lord Brougham in support of that denial. Notwithstanding all that had been said, he was still of opinion that his Amendment was a wise one. How otherwise were the Irish Prelates to maintain their precedence? Plain Dr. Trench, for instance, would be nobody at Dublin Castle by the side of a Prince of the Roman Catholic Church like Cardinal Cullen. By thus lowering the social status of the disestablished Bishops a great advantage would be given to the Prelates of the rival Church. Although these opinions had not been shaken by any thing which had been said, he would bow to the wishes of the right hon. Gentleman the Member for the University of Oxford, and withdraw his Amendment.

Mr. BRUEN said, he would beg to ask what the Government intended to propose to remedy the deficiency in the number of Irish representative Peers, occasioned by the withdrawal of the class of spiritual Peers?

Mr. CHICHESTER FORTESCUE said, he was not able to promise, on the part of the Crown, that there would be an increased number of Irish Peers. The present rights, if preserved, would be of a most equivocal and unsatisfactory character.

Amendment, by leave, *withdrawn.*

The ATTORNEY GENERAL for IRELAND (Mr. Sullivan) moved to add at the end of the clause the words, "as such."

Amendment *agreed to.*

Mr. GATHORNE HARDY proposed to add at the end of the clause the words—

> "Provided that every present Archbishop, Bishop, and Dean of the said Church shall, during his life, enjoy the same title and precedence as if this Act had not passed.

He hoped the right hon. Gentleman at the head of the Government would not object to recognize the precedence of the present heads of the Irish Church during their lives.

MR. GLADSTONE said, the belief of the Government was that such was the effect of the Bill as it stood at present. He had intended to insert words for the purpose, but it was thought unnecessary. If it were thought desirable to make assurance sure in the matter, the Government would not object to the addition of the words proposed.

Amendment *agreed to.*

Clause *ordered* to stand part of the Bill.

Clause 14 (Compensation to ecclesiastical persons other than curates).

DR. BALL proposed, in page 5, line 16, to insert after "rates and taxes" the words "except property and income tax."

Amendment *agreed to.*

MR. GATHORNE HARDY said, that the relative position of the incumbents and curates rendered it advisable, in the interests of both, that Amendments should be made in this clause. Curates in the Irish Church had almost a certainty of obtaining promotion to a benefice; and it would be a most unwise thing if this position were not recognized by the Government, especially considering the measures they were taking with reference to assistant successors to ministers of the Presbyterian Church. The curates were left in a hopeless position by the Bill. Take the case of a man who had been serving eight or ten years as a curate. He might come under the Act to a very slight extent; but if he were considered a permanent curate his position and that of the incumbent were fixed by the Bill. The incumbent would not be able to remove his curate. He was glad the ground on which the incumbent could be compelled by the Bishop to employ the curate had been defined by the Amendment of the right hon. Gentleman the First Lord of the Treasury. It might be that on account of the sickness and incapacity of the incumbent he might be bound to employ the curate, but not upon the ground of the nature and extent of the duties, because if he liked he might perform these duties himself however imperfectly. The curates had incurred great expenses in their education, and ought not to be treated as men whose incomes were to stop at £100 a year. Nor, on the other hand, ought the House to put a penalty upon the incumbents at a time when great claims were about to be made upon them, and when they would be called upon to contribute towards the maintenance of their churches, their services, and charities, by insisting that because they had employed curates hitherto, they should always be obliged to employ them, or to pay them. He therefore proposed this Amendment, in order that a separate provision might be made for the permanent curates, and that they might be enabled to commute with the consent of the Church Body. He did not propose that they should be at liberty to commute and then to leave Ireland; but it would be a harsh proceeding against both incumbents and curates to tie them so strongly together. He would admit that the Bill was greatly improved by the Amendments of the right hon. Gentleman, and he thought that by the Amendment he now proposed both the incumbent and the curate would be able to render better service than hitherto. He proposed in page 5, line 25 to leave out the words—

> "A deduction shall be made under this section in respect of the salary of a permanent curate, where such curate has been or is serving as a curate on any day between the first day of January, one thousand eight hundred and sixty-nine, and the first day of January, one thousand eight hundred and seventy-one, both days inclusive.

Amendment proposed, in line 16, after the word "taxes," to leave out the words "salaries of permanent curates employed as hereinafter mentioned."—(*Mr. Gathorne Hardy.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. CHICHESTER FORTESCUE said, he was glad to hear from the right Gentleman (Mr. G. Hardy) that the Amendments of his right hon. Friend at the head of the Government had improved their plan. Those Amendments, however, only made more clear and distinct the views which the Government from the first entertained. Undoubtedly one of the most difficult and complicated subjects with which they had to deal was the question as to what might be considered fair and reasonable compensation to the curates of the Irish Church. But he wished the Committee to understand that what the right hon. Gentleman proposed was really to compensate the curates of the Irish Church twice over—first by paying the incumbents and then the curates. Those curates were divided by the Bill into two classes —the one called permanent curates, not anwering to perpetual curates, but those who might be described as in a permanent state of employment, from the infirmity, age, or absence of the incumbent. The Commissioners would take into account the time that the incumbent had found it necessary and convenient to employ a curate, and they would be able to decide what curates came under the class of permanent curates, and who would be charged upon the incumbent and the benefice upon which they had served. If it were possible to provide the compensation of the curates from the same funds from which they drew their salaries, it was right and equitable to do so; and in th emain the fund out of which they ought to be compensated was the fund out of which they were at present paid—namely, the aggregate incomes of the incumbents. There was, however, another class of curates who could not fairly come under the designation of permanent curates, and their position would be determined by the Commissioners by another mode of compensation, with a description of which he would not trouble the Committee at present.

Mr. LEFROY said, that he would not press the Amendment of which he had given notice, but would support that of the right hon. Gentleman the Member for Oxford University (Mr. Gathorne Hardy). He thought that no class had a greater claim upon consideration, indulgence, and a fair remuneration than the curates of the Irish Church.

Sir ROUNDELL PALMER said, that the Committee had now arrived at a point when it was apparent the Bill broke down on plain grounds of justice. The Bill professed to treat compensating vested interests as absolutely necessary—as a matter of course and not of favour—but here the principle was violated. The incumbent was wronged that another great wrong might not be done to the curate. The Bill set one wrong against another, because it was not thought worth while to do justice in both cases, and because a larger sum of money would have to be taken from the general fund if full justice were done. The vested interest of the incumbent was to have deducted from it a life annuity, not for every kind of curate, but for a "permanent curate"—a term which had been invented, because it was felt that there was a class of curates whom it would be a gross wrong to turn adrift without any provision except the paltry sum of £200. In point of law, however, there was no incumbent in Ireland whose living was permanently charged with the salary which he paid his curate. No doubt, in many cases, a curate now employed would continue to be employed; but to turn that into a permanent charge upon the incumbent was to take away legal rights and to create new burdens. Its practical operation, too, might be most injurious to the curate and to the Church; it would require the curate to do permanent duty in the same place for the same rector, and he was to have a perpetual living at his rector's expense, unless he by his own choice and without the consent of the incumbent left that particular cure. But were not the Committee aware that it would be absolutely necessary for this poor disestablished Church, which they were about to call into existence, to re-arrange the provisions for the spiritual services to be given to its members. It was impossible that the present parochial arrangements could be maintained as they were at the present time in Ireland. Then, see in what a position the incumbent would be placed. Under the new arrangement, if it should be desirable for the curate to serve elsewhere, and if he left by his own choice, without the consent of his incumbent, he would lose his annuity; but if, on the other hand, the incumbent assented to his leaving, he kept his annuity, but the incumbent would lose the benefit of his services, and might at the same time be obliged, at his own cost, to find another curate. When the existing bond between them was dissolved, in what position would they be placed with regard to each other? It was impossible that they could be placed in the same relative position as before—their connection must be placed upon a perfectly different footing. As things stood at present, if the harmony which ought to subsist between the rector and the curate should be interrupted, either of them was enabled to dissolve the connection that bound them to each other; but under the proposed system in such a case they would be placed in a most painful position as regarded each other, because the incumbent would have to run the risk of doing an injustice either to his curate or to himself. It was impossible that a system which must necessarily have this result could be right. He had stated the case as far as this, looking at it from the incumbent's point of view; but how did the matter stand as regarded the curates? He had reason to believe, from information which had reached him from different sources, that the case of the curates in Ireland, although not exactly parallel with that of assistant-ministers among the Presbyterians, to whom reference had been made, bore a much greater resemblance to it in that country than in England; and that the supply of curates in Ireland bore such a proportion to the number of benefices that a curate who had done his duty had a moral certainty—subject, of course, to the ordinary accidents of life—that he would, within a reasonable time, succeed to a benefice. A man, in fact, entered into Holy Orders in Ireland, and thus became cut off from all secular employments, with the reasonable expectation—as he (Sir Roundell Palmer) understood—that after having served for a period of not more than fifteen years as a curate, he would succeed to a benefice. For the destruction of that expectation the Bill would afford no compensation whatever. That was not the course which had been adopted when the exclusive rights of the proctors to practice in Doctors' Commons had been abolished. Those gentlemen had received most liberal compensation at the public expense for the prospects which they lost, though the change in the law admitted them to another lucrative profession. But all that it was proposed to give to any curate who did not come within whatever might be the definition put by the Commissioners on the words "permanent curate" was the wretched sum of £200 as compensation for the loss of his whole prospects in life. The clause proposed to give those who did come within the meaning of those words a life annuity at the expense of the incumbents, and that proposal was justified on the ground that the payment to the curate would come out of the same fund as before. He thought such a proposition was unjust; and he should therefore, without the least hesitation, vote in favour of the Amendment which had been moved by the right hon. Gentleman opposite (Mr. Hardy), in the hope that, if carried, the Government would propose some scheme more just than the one now before the House.

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) said, he believed that, upon a close examination of this clause, it would not be found open to the objections brought against it by the hon. and learned Member for Richmond (Sir Roundell Palmer), who alleged that it violated one of the principles of the Bill—namely, the regard for vested interests. That the preservation of vested interests was a very important matter everyone must admit, but it was essential for the due discussion of this point that the Committee should accurately understand how matters stood with regard to incumbents and their curates in Ireland at the present time. A rector who had employed no curate would be entitled to his entire income for life. No doubt if, at the period of time mentioned in the clause, a rector had a curate employed, the latter was entitled to an income for life, to be paid out of the gross income of the former; and this proportion was justifiable on this ground—that where, by reason of the extent of his benefice, of the number of services required to be performed, of absence or of infirm health, it was deemed requisite, the Bishop of his diocese had power to compel a rector to keep a curate, and in that case, as well as in the case of his keeping a curate of his own motion, the rector had to pay the curate out of his own income. Now, the question was whether the rector having paid the curate for some years out of his own income, he should not continue to discharge that obligation equally after the passing of the present Bill as before. The best practical answer he could make to the objections of the hon. and learned Member for Richmond was that in every case where the rectors had made returns of their incomes to the Income Tax Commissioners and to the Ecclesiastical Commissioners they had deducted the salaries of their curates. The Church Commissioners themselves, on the face of their Report, had stated that the net income of the rectors was less than their curates' salaries. He would be the last to do an injustice to the rectors; but if a rector by his own conduct had rendered the employment of a curate practically permanent, why should not he pay the salary of the curate as he had always done hitherto? In his opinion, as well as in that of much higher authorities, the law of Ireland upon this point was identical with that of England — namely, that where the employment of a curate was licensed by the Bishop, the rector could not dismiss that curate without the consent of the Bishop. He was aware that there were some rectors in Ireland who wished to have it believed that they could dismiss their curates at pleasure, but he believed that they had no such power under the circumstances to which he had alluded. But what had occurred in Ireland upon this subject was this—By a lax and loose practice, in order to avoid expense, the license of the Bishop was not obtained; and it was for the purpose of protecting curates who were unlicensed that the word "permanent" had been advisedly introduced into the clause—the meaning of the word as it was placed signifying permanently employed. The Commissioners would take into consideration the length of the curate's service, the nature and extent of his duties, and the residence or non-residence or incapacity of the incumbent. It must not be forgotten, in considering this matter, that the Commissioners would not decide whether a curate came under the definition of the word "permanent" without first hearing the objections of the incumbent upon the point. The clause stated that—

> "The Commissioners shall determine the cases in which a curate is to be deemed a permanent curate, after hearing any objection that may be made to the permanency of the curate by the ecclesiastical person under whom he has been or is serving."

So that, if a rector had, under certain special circumstances, employed a curate for twenty years, he might come forward and explain what those circumstances were. By agreeing to the clause, which was framed in the most guarded language, the Committee would put a stop to what he was informed had already been done in several instances—he did not mean to say in many—namely, the dismissal of the curates by their rectors on the simple ground that, if they did not do so, they would have their salaries deducted from their incomes. There was an amount of selfishness about this to which he wished to call attention. The hon. Member for the University of Dublin (Mr. Lefroy) was labouring under a misconception when he put the case of a curate employed for a number of years under a very old incumbent. The position of the curates, so far from being injured by this clause, would be improved; because, under the existing system, the salary of the curate was dependent upon the life of his rector, whereas, under the clause, he would have his income for life. A curate had told him a short time ago that he was a most unfortunate man, because on the death of his incumbent, who was eighty-seven years of age, and to whom he had been curate for four or five years, his salary of £100 per annum would cease; whereupon he informed the curate that he was a most fortunate man, because if the Bill passed he would have £100 a year for life. "Oh," replied the curate, "I never understood that; I am well satisfied." He admitted that there was something in the objection of the hon. and learned Member for Richmond that an inconvenience was established by tying the two men together; but surely the hon. and learned Member was wrong in conceiving it probable that the clergy of the Irish Church were likely to pull at sixes and sevens. If the members of the Church did their duty they would organize a Church Body, and that Body would make such an arrangement as would settle any difficulties of the kind that were likely to arise between the curates and their rectors. It was said that the Bill was unjust, because it dealt upon a different principle with those in the Presbyterian body who occupied a similar position to curates. Now, his own experience upon the subject of promotion among the curates of the Irish Church differed somewhat from that of the hon. and learned Gentleman. In many cases these gentlemen remained curates to the end of their days, for patronage in the Irish Church had not been exercised fairly in this matter; while, in others, their promotion to incumbencies only gave them an increase of income to the amount of the difference between £90 or £100 and £120 or £130 a year—the higher-paid incumbencies being reserved for the connections and friends of the Episcopal Bench. In the Presbyterian Church there were ministers, assistant successors, and licentiates. The licentiates were nearest to the position of curates, but licentiates got no compensation, and the assistant successor simply got a life interest compensation, calculated upon the probable duration of his own life, if that were better than that of the minister.

Mr. LEFROY observed that the right hon. and learned Gentleman had misunderstood his argument.

Dr. BALL said, there were two different points under discussion. The first of them arose on the 14th clause, and was as to whether the payment to be made to the curate was to be deducted out of the income of the rector. The second point was as to how Parliament was to deal with the curates themselves. The proposition now made on his side of the House was that Parliament should not interfere at all between the rector and the curate, but allow the rector to keep the curate and pay him. In another clause they would propose an Amendment, having for its object to give the curate compensation for his loss of promotion, for his uncertain position, and other great disadvantages he would sustain if this Bill passed. He admitted that the curate had no vested interest; he admitted that the curate had no freehold, and that in strict law he had no fixed position within the ecclesiastical body in the sense in which the incumbent or rector had. But the curate had a *spes successionis*. It had been said that in law the Church, as a whole, was not a corporation but an aggregate of corporations, and this was true; but nevertheless it had so much of a corporate character that when Burke described the Church he expressly called it a corporation. Now, though the curate had no freehold or incumbency, he held a position which insured him a freehold or incumbency. There were 500 curates in the Irish Church, and 1,518 benefices, of which latter only 300 were in lay patronage. All the rest were in the gift of the Bishops. The Bishops could not promote laymen to incumbencies; and therefore the curates, viewing them as a separate order, had a positive certainty that they must succeed to benefices. In no way could they fail to succeed to benefices unless other curates should come in to displace them. Hallam, who made the best defence ever made for the State dealing with Church property, said that the clergy sustained no hardship "unless succession has been designated or rendered probable." In the case of the Irish curates succession was not only "probable," but "designated." Another ground for special consideration of their case had been given by the First Minister in one of his speeches on this Bill when he said that the clergy had adopted an indelible profession, and could not change it. There was not a curate in the Irish Church that had not the "capacity" of being Archbishop of Armagh, just as it had been said, though but one or two barristers became Lord Chancellor, every barrister had the "capacity" of being Lord Chancellor. So also every curate had the "capacity" of becoming an incumbent. How did the Government propose to compensate the curate for the loss of this "capacity?" By paying him £100 a year; that was the largest sum any curate had, while some had only £75—as long as he remained with the rector. That was nothing but a mockery. No gentleman entered upon the duties of a curate for such a sum as £100 a year without doing so in the hope of promotion. He hoped the Committee would adopt either the Amendment he advocated, or that of which the hon. Member for Dublin (Mr. Pim) had given notice.

The SOLICITOR GENERAL said, he could assure the Committee that the Government would willingly yield to any Amendment made on the other side, if it appeared to them to be essential to justice in the case. He was quite certain that if the right hon. and learned Gentleman the Member for the University of Dublin (Dr. Ball) saw the matter as they saw it he would agree with them that the Amendment was not necessary. He did not despair of convincing the right hon. and learned Gentleman, for whose candour he had the greatest respect. They were dealing with the question whether a deduction should be made from the annual income on which compensation was to be paid to the rector of an amount equal to that which the exigencies of his cure of souls had required him to pay for several years to a curate. This latter sum was as much a charge on the rector's income as a mortgage on a man's property, or as a rent-charge, or anything that could be annually deducted from a man's income. An analogous case in this country had been the subject-matter of decision in the courts. It had been decided that where there was a legal deduction, or one which payment for years had shown to be permanent, the incumbent was entitled to take credit for it in the return which he made of his rateable income. That was considered a permanent deduction from a man's income, and was treated like any other charge which, in conscience or in law, he was forced to meet from year to year. Take the case of an incumbent with £800 a year who kept a curate at £100, either because of the amount of the population—in which case the Bishop would insist upon his doing so—or because he himself found it absolutely necessary to have one, in order properly to discharge his duties. It could not be said that that man had £800 a year to dispose of. He really had only £700 a year. Was it, then, just or reasonable to compensate the incumbent in such a case for an income which, in fact, he had never enjoyed? He could not think that the Bill treated the rector unfairly. But then it was said that some hardship was suffered by the curate. As far as actual compensation went, there was no such hardship, because the curate's compensation was based, not upon the life of the rector, who would be generally an older man, but upon his own life, and therefore he was treated upon a much more advantageous footing than in point of legal interest he had any right to look to. Under the Bill the curate was compensated during his rector's lifetime out of the compensation paid to the rector, and afterwards out of the general fund in the hands of the Commissioners. In no case, therefore, could he be in any worse position that he was at the present moment. It was said that no compensation was given for prospects, and the right hon. Gentleman added that every curate had the capacity of being Archbishop of Armagh. So had every incumbent, and if the argument was good at all it went to show that every incumbent ought to be compensated for the loss of his chance of one day being a Bishop. No doubt, every curate had the capacity of being an Archbishop as every lawyer had of being Lord Chancellor, though he confessed that he should be very glad to take compensation for his capacity for that office at a very low figure. He did not deny that, in a great change of this kind, every person who had not arrived at the top of the tree, and had any prospects at all, must of necessity be placed in a somewhat worse position. It was so in every great operation of this kind, whether in the Church or in any other institution which for the general benefit was being abolished. In this country it was the universal practice to compensate fully for existing rights; but you could not compensate for prospects, which were in the nature of things uncertain, and could not be represented by any money value. He had heard it said that every curate in Ireland was on the way to a living. If so, a curate in Ireland must be much better off than in England. Here there were many good men working all their lives, spending and being spent, in very disagreeable places, living and dying as curates, without the smallest chance of being anything else. He repeated that the rector was compensated fully, receiving credit for everything which the law entitled him to receive, and the curate was compensated upon existing rights to a much greater extent than, legally, he could expect. As to prospects they were so shadowy and uncertain that they did not admit of compensation. All that could be done, however, was done, and he maintained that the measure was as fair and just as it possibly could be under the circumstances.

Sir FREDERICK W. HEYGATE said, that from his experience in the North of Ireland, he could say that curates there had a far better chance of obtaining livings than they had in this country, and if the Committee really wanted to do justice they ought to give them compensation for life, whether they remained in the same place or not. With regard to incumbents, they ought to offer to all of them the value of their life interests. How would you deal with the case of a rector temporarily incapacitated and obliged to employ a curate?

His health being happily restored, he no longer wanted a curate, but was he to be saddled with a deduction for having employed one? As to the Irish curates, a great proportion of them intended to migrate to this country, and he thought it would have been much better to give them a certain moderate lump sum as compensation.

Mr. PIM said, he thought that, in estimating compensation, nothing ought to be deducted from the rector's income, except in cases where he might be compelled by law to employ a curate. That was the spirit of an Amendment which he had placed on the Paper, and he thought it unfair to found a compulsory deduction upon the voluntary employment of a curate. He regarded what had been called the marrying the rector to the curate as the most unsatisfactory feature in the Bill; and, although perhaps, two clergymen would have sufficient regard to their sacred character not to quarrel, he felt convinced that no two laymen could get on amicably together if they were placed in such circumstances. With regard to the commutation provided for in Clause 23, he very much feared that, if it were not made compulsory, it would not be carried into effect. It seemed to him that the mode he proposed of compensating the curates would be more satisfactory than that provided under the Bill: and, indeed, by the arrangements of the Bill, he thought the compensation to be given to temporary curates would place them in a better position than the permanent curates. How was it to be expected that a young man of twenty-five or thirty, after receiving a learned and costly education, would be content to remain for life satisfied with an annual income of £100 a year? The only disadvantage which would attend the treatment of the permanent curates on the same principle as the temporary curates would be, that the Irish Church might possibly lose their services if they were paid without being bound to stay.

Mr. ASSHETON CROSS said, in answer to the argument of the Solicitor General, that a clergyman receiving £800 a year and paying £100 out of that amount to a curate ought to be compensated only to the extent of the £700, he would remark that if they were to value the living of that clergyman according to the rules of strict justice they should ascertain exactly what was his legal position. His legal position was that he had a living of £800, subject to a charge for keeping a curate, if the Bishop thought it right that he should do so. They should also remember that they were dealing with a class of men who gave more away in charity than any other body. Many a clergyman kept a curate, not because he was obliged to do do so, but because he believed that his parishioners would benefit by the assistance which he procured. It was, therefore, nothing short of a robbery to take the measure of his conscience as the measure of his legal position. In dealing with a clergyman under such circumstances, if it were shown that the keeping of the curate was not compulsory, compensation ought to be made to the full extent of the incumbent's income. In proof that this doctrine was a sound one, he would simply ask hon. Members whether the advowson, if sold in the market, would fetch a farthing less because a curate, or curates, had been appointed in the manner to which he had referred.

Mr. SYNAN said, it would be asking too much to give compensation for the curate twice over, once to the curate himself, and once to the clergyman by whom he was employed. He contended that the just way to value the income of an incumbent who had a curate was to take, not his gross income, but his net income after payment of his curate. The hon. and learned Member for Richmond (Sir Roundell Palmer) said that a curate ought not to be permanently attached to the incumbent's living. Why, by the present Ecclesiastical Law, a curate might be permanently attached to an incumbent's living. Hon. Gentlemen on the other side of the House argued for giving compensation for prospects on the assumption that there were no prospects of promotion in the new Church that would arise in Ireland after this measure came into operation; but the chances of promotion in that Church would be as great as in the present Established Church.

Mr. GRAVES said, he had no wish to delay the progress of the Bill, but at the same time he felt very strongly, and the feeling was shared in by many hon. Members on both sides of the House, that the compensation clauses, if passed in their present shape, would be most unsatisfactory. Why, he should like to know, should men, educated at great expense for ministration in the Church, who had devoted their lives to their sacred calling, and who would receive compensation under the Bill only so long as they continued their services, be designated as annuitants—as recipients of a nation's alms? The use of that word was, he maintained, unfortunate and unfair; besides, the framework of those clauses was most objectionable. He concurred with the hon. and learned Member for Richmond (Sir Roundell Palmer) in the opinion that it would not work satisfactorily, and he was opposed to a forced alliance between the incumbent and the curate; the annuity to the one ought, he thought, to be dealt with entirely irrespective of the other. He believed the House wished to deal justly with those faithful, zealous men who had sacrificed everything for such advancement as the Church could offer in return. It was unwise to allow those men to be discontented, and he should suggest that the compensation clauses be postponed until the next evening when the Bill came on for discussion.

Mr. WALTER said, the hon. Member for South-west Lancashire (Mr. Cross) had asked a question which furnished a crucial test with respect to the principle which ought to be laid down in valuing livings when cases for compensation, such as those under discussion, arose. The question was, whether supposing an advowson was to be sold, the having a curate would alter, by a single farthing, its value in the market, and to that question he could give an answer from his own experience. He had been personally concerned, a few years ago, in the purchase of an advowson in his neighbourhood. The living was worth about £600 a year, and he bought it from the incumbent to whom it belonged. Among the deductions from the value of that living was set down a charge for £80 a year for a curate. The living was purchased subject to that deduction, and the person at whose instigation the deduction was made was the incumbent himself.

Mr. ASSHETON CROSS said, that his observations did not apply to a case in which a curate was kept by order of the Bishop, but rather to one in which, for instance, a rector kept half-a-dozen curates, and in which the value of the living would not be affected by the circumstance of his doing so.

Mr. LOPES said, he thought the Solicitor General had not stated the law quite accurately when he said that an incumbent who paid the salary of a curate was entitled to make a deduction on that account in his contribution to the poor rate. It was distinctly held in a leading case some eighteen months ago in which he had been engaged, that an incumbent who kept two curates in one benefice and paid them £100 a year each—these curates being sanctioned by the Bishop—was not entitled to make any such deduction as that for which the hon. and learned Gentleman contended.

Mr. KIRK said, that it seemed to him unfair that curates, under this Bill, should be allowed to retain their compensation after they had obtained livings. Whilst they were curates they were entitled to it, but not afterwards.

Mr. GOLDNEY said, he would remind the Committee that the case they were dealing with was that of a person having a life interest and entitled to be compensated for that life interest.

The SOLICITOR GENERAL said, no doubt the hon. and learned Gentleman opposite (Mr. Lopes) was correct, and the law as to the deductions in respect of poor rate, as he (the Solicitor General) had explained it, was over-ruled. He had argued two cases in which the law was as he had stated, but the statement he had made was merely used as an illustration and did not affect his argument.

Mr. GLADSTONE said, he did not intend to detain the Committee by travelling over the ground which had already been trodden by his hon. and learned Friends near him, but wished to say a few words on the point on which the Committee were about to divide. There was some ground for his anxiety, not owing to the speech of the right hon. Gentleman (Mr. Gathorne Hardy), who had proposed the Amendment in terms of great moderation, and with perfect accuracy as to the point at issue. He could not say that the right hon. and learned Gentleman the junior Member for the University of Dublin (Dr. Ball) had at all stated the case with the same precision. The Committee naturally felt great anxiety about the compensation which should be paid to curates, and the mode in which that compensation was to be adjusted, and he should have felt that there was some force in the suggestion of the hon. Member for Liverpool (Mr. Graves) that the compensation clauses should be postponed, were it not for the fact that that clause must be postponed which dealt with the compensation to be paid to curates. The right hon. and learned Member for the University of Dublin, he might add, contended that there were two questions at issue—one, the compensation which should be paid to curates; and the other, whether that compensation should be deducted from the income of the incumbent. That statement was, however, inaccurate. The Committee was not discussing in the slightest degree what compensation should be paid to curates. The point which it had been discussing mainly—and on which it was going to vote—was whether the salary of the curate should be a deduction from the income of the incumbent. Then the definition of one of the questions by the hon. and learned Gentleman was really not an accurate statement, as far, at least, as the inference which would be naturally drawn from it was concerned. It was stated by the hon. and learned Gentleman that the Bill would give to the curate a life annuity at the expense of his incumbent, and on the condition of perpetual service. Neither of these statements was accurate. The Bill would give to the curate an annuity for the term of his own life; and that annuity would be deducted from the income of the incumbent during the continuance of his incumbency and no longer. Now, as the lives of curates in Ireland were, on the average, half as valuable again in years' purchase as the lives of incumbents, it followed that somewhere about one-third of the £840,000 payable to permanent curates under the Bill would not be deducted from the salary of the incumbent at all, but would become a charge upon the general funds of the Church. The plan might be liberal or it might be illiberal; but it was not accurate to say that the life annuities of the curates were to be deducted from the incumbents, nor was it correct to say that the annuity was to be given on the condition of perpetual service. In the first place the service of the curate would terminate with the tenure of the incumbent, after which the curate would have his annuity and be free to go where he pleased. In the next place, the Government had thought that the relative rights of incumbents and curates would be best left to be settled by themselves. They, knowing all the circumstances, could best ascertain upon what terms they ought to dissolve the alliance which the Bill established between them. His hon. and learned Friend the Member for Richmond (Sir Roundell Palmer) had put the question on very high ground, and asked whether it were just to make the deduction from the salary of the incumbent. Well, justice had two sides in regard to this matter. We must be just to the great national purposes connected with the greatest of human wants among the humblest of the Irish population, to which it was proposed to devote the residue of the ecclesiastical property of the country. Now, let the House consider what justice required. His hon. and learned Friend had urged that justice required that the curate should be compensated out of some other fund than the income of the benefice; and his hon. Friend the Member for South-west Lancashire (Mr. Cross) had alleged that it was most unjust that the measure of the incumbent's conscience should be taken as the measure of the law, because the hon. Gentleman supposed it was a general rule in Ireland—and unless the rule were general it would be of very slight importance in the argument—that the Irish incumbents had such extreme sensitiveness and fastidiousness of conscience with respect to the performance of their duties that they employed a multitude of curates who were not required, but who were charged and saddled upon them as permanent curates. He could not, however, accept either of those propositions. In the first place, he did not believe in this great multitude of supernumerary curates. But, supposing the case of a clergyman who held exaggerated ideas as to the amount of work he ought to undertake, and who consequently had a number of curates, it should be borne in mind that these curates would never be regarded as permanent curates at all, but simply as curates employed in consequence of the special views and exigencies of that particular incumbent. The case would be looked into with regard to the population and the ordinary duties necessary to be done in the benefice, and those extra curates would come upon the funds of the Church in general and not of the incumbent. Then the hon. Gentleman maintained that, under the Bill, the measure of a man's conscience was made the measure of the law. He ventured, however, to assert that the contrary was the fact. The measure of a man's own practice was made the measure of the law. What better mode could be devised of ascertaining what was really necessary for an incumbent in the discharge of his duties than the institution of an inquiry into what his practice had been? But his hon. and learned Friend had urged that justice required that the curate's salary should be put out of sight altogether. Now, the existing law was not wholly silent on this point. There was a precedent to go by. The Church Temporalities Act provided that, except in the case of the poorest benefices in Ireland, there should be a graduated scale of taxation. The intention of that Act was to tax the income of the incumbent, and how was that income estimated? By saying that from the valuation to be made for the purpose of imposing the rate, tax, or assessment, the Commissioners should from time to time deduct all rents and other charges, including salaries or stipends for the perpetual curates or the licensed assistant curates of any benefice. Now, although the qualifying word "licensed" was introduced into that Act, he believed he was correct in saying that in practice the proof of the license had never been required. All the Government now asked was what the law had already determined and what the parties interested acknowledged to be just. If it were just to deduct the curate's salary for the purposes of taxation, surely it could not be unjust to deduct it when the question of compensation arose.

Sir JAMES ELPHINSTONE said, he intended to move to report Progress, because this clause would inflict a most flagrant injustice. He would mention a case in point. When the affairs of India were settled in this House some years ago, he was one of thirteen Members who stood up for the privileges of the Indian army. It was intended at that time to transfer the army of India, bound hand and foot, to Her Majesty, without taking into consideration the privileges or expectations of the service. He and his Friends argued the question, and a Resolution was moved to the effect that the pay and expectations of the army of India should be respected. Now, although he did not understand Ecclesiastical Law, he knew something of common justice, and he thought the House ought to take time to consider what was due to the expectations of the Irish curates. He therefore moved that the Chairman should report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress."—(*Sir James Elphinstone.*)

Mr. GATHORNE HARDY said, that his hon. and gallant Friend the Member for Portsmouth (Sir James Elphinstone) had brought forward a good illustration of his argument, but at the same time he thought that the consideration of this special point had now been fully gone into, so that the House might decide it without reporting Progress. The question of the curates could be discussed on the next clause. He trusted, therefore, that his hon. and gallant Friend would not go to a division. With regard to what had fallen from the right hon. Gentleman (Mr. Gladstone) concerning the Church Temporalities Act, it should be remembered that that Act was passed under special circumstances. Deductions were to be made from the incomes of the clergy for the repair of churches and other similar purposes, and it was only natural, therefore, that those deductions should be made for payments relating to licensed curates. The right hon. Gentleman the Attorney General for Ireland (Mr. Sullivan) had asked from what other fund the money could come from in the event of the Government plan being rejected. The reply was that the Government did not hesitate to go to the Commissioners' Fund in order to pay some of the curates, and why, then, should not all the payments be made out of that fund? He thought that, under the Bill, as it stood incumbent and curate would be cruelly treated, and therefore he trusted the Amendment would be agreed to.

Sir JAMES ELPHINSTONE said he would withdraw his Motion for reporting Progress.

Mr. G. GREGORY said, that according to the terms of this clause as it stood, not the salaries of curates alone, but the poor rates, taxes, and diocesan charges would all be deducted from the compensation to be allowed to the incumbent.

Motion, by leave, *withdrawn.*

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 330; Noes 232: Majority 98.

MR. GLADSTONE said, that as there was more matter to dispose of in the clause, upon which there might be a difference of opinion, he would move at once that the Chairman report Progress.

Motion *agreed to.*

House *resumed.*

Committee report Progress, to sit again upon *Thursday.*

House adjourned at half-after One o'clock.

HOUSE OF LORDS,

Tuesday, 20*th April*, 1869.

MINUTES.]—Public Bills—*First Reading*—Reformatory Schools Amendment* (63); Industrial Schools (Great Britain)* (64); Lodgers Property Protection* (65); Aggravated Assaults Amendment* (66).
Second Reading—Tenure (Ireland) (36).
Third Reading—Colonial Prisoners Removal* (55); Merchant Shipping (Colonial), 1869,* (56) and *passed.*

TENURE (IRELAND) BILL.—(No. 36).

(*The Marquess of Clanricarde.*)

SECOND READING.

Order of the Day for the Second Reading, read.

The Marquess of CLANRICARDE, in moving that the Bill be now read the second time, said, that, at a moment of such gravity as the present, both to Ireland and to the Empire, there seemed to him to be special reasons for proceeding with this measure, which had already received so much time and attention from a Select Committee. He thought that, in the first place, he ought to explain to their Lordships very briefly what was the history of legislation on this subject. As their Lordships were, perhaps, aware, previous to 1848—which he regarded as a starting point in the rural economy of Ireland—up to 1860 the relations between landlord and tenant in Ireland were regulated by the Common Law of the land; that Common Law, however, being overlaid and modified by a large number of statutes, some of which dealt with very minute particulars, and the great part of which had since been repealed. In 1847, a great change in the proprietorship of land was introduced by the operation of the Incumbered Estates Act. That measure, which had undoubtedly conferred a great benefit on Ireland, had been made necessary by the dreadful results of the famine, in order to resuscitate the cultivation of the soil in the rural districts. He had recently seen in the newspapers some controversy as to who was the originator of that Act. Now he did not know what interviews or correspondence there might have been at the time between eminent persons, but having been at that time a Member of Lord Russell's Government, he had always believed—and he thought none of his former Colleagues would contradict the statement—that the gratitude of Ireland was to the noble and learned Lord who now presided over the Rolls' Court (Lord Romilly) for having dealt with that important subject in so able a manner. But the Act brought about even a greater change in the occupancy than in the proprietorship of the land; and though the expectation that a large amount of English and Scotch capital would flow into the country was, to some extent, disappointed, on the other hand, a quantity of Irish capital that had not been known to exist was brought into circulation, and partly owing to the operation of the Act, and partly to emigration and other causes, Ireland recovered from the effects of the famine with wonderful rapidity. The evils arising from the existing law as regarded landlord and tenant were, however, immediately felt, and the then Chief Secretary, in conjunction with Mr. Tighe Hamilton, framed a measure on the subject; but no Act passed, until 1860, when Mr. Cardwell, in conjunction with Mr. Baron Deasy, then Attorney General for Ireland, brought forward two Bills, one for regulating compensation to tenants for improvements, and the other establishing the law which was now in force with regard to the tenure of land. As to the former measure, it was needless to say anything, for it had proved a dead letter; and the other Bill had not worked so successfully as was anticipated. It was mainly based on the principle which was the foundation of the present Bill; for, instead of the Common Law, derived from feudal tenure and service, it enacted that the tenure of land should rest on contract. But, unfortunately, that principle was not properly carried out, and some of its provisions were very inadequate. In consequence of this failure he (the Marquess of Clanricarde) had the honour of introducing the present Bill in the House of Lords, in 1866. The necessity for further legislation had been pointedly urged by Lord Justice Christian, Chief Justice Lefroy, and the present Lord Chancellor of Ireland — the great fault of Mr. Cardwell's Act being that it not only did not prevent, but actually recognized, verbal agreements, and this had given rise to a great deal of litigation. In his own Bill he (the Marquess of Clanricarde) avoided that fault, and had made everything depend on written contract. Their Lordships were good enough to give it a second reading; but the lateness of the Session not allowing it to proceed further, he re-introduced it in 1867, when it was referred to a Select Committee very judiciously chosen; for, though several of its Members were, as Irish landlords, personally interested in the matter, its leading Members displayed an ability, attention, and impartiality worthy of all praise. The Committee enjoyed the advantage of being able to refer to the evidence taken by Mr. Maguire's Committee in the other House; and the advocates of what was called tenant-right were invited to offer suggestions, those suggestions being examined with great courtesy, but yet with great acuteness. The result was that none of the witnesses could show that their proposals, when fully worked out, would be so beneficial to tenants as the Bill, the only objection offered to which had been that it did not go far enough. Last Session the Committee resumed their sittings, and came to the conclusion that the measure was one which ought to become law. A very able digest of it was prepared by the noble Earl on the cross-Benches (Earl Grey); but as there were particular points in this on which some difference of opinion prevailed, it was thought better to adopt a much shorter Report, on which general unanimity existed. This being the history of the present Bill, it was unnecessary for him to go through its provisions at length; it would be sufficient that he should impress on their Lordships the two principal points contained in it. The main principle and foundation of the Bill was the introduction into all arrangements between landlord and tenant of written contracts; and, for this purpose, it provided that, after the 1st January, 1871, all new parole contracts as to the holding and improvement of land should be void. The Bill then defined the contracting powers of landlords, and in the case of limited estates, to some degree, extended those powers. The Bill next provided a form of lease—to which other conditions might be added at the will of the parties—the lease being always subject to certain statutable reservations and obligations; and, as it was not necessary that these should be set out in the lease, and a simple and effective mode of procedure was provided, it was hoped that each party, without difficulty and little cost, might enforce the performance of the contract. The next and most important point contained in the Bill related to the vexed question of compensation to the tenant for unexhausted improvements. In the first place, the Bill provided a simple form of contract, for cases in which the tenant was bound to make improvements, with provisions in case of the determination of the tenancy before the expiration of the compensation period. In the same way a form of agreement was provided for those cases in which the landlord contracted to make the improvements, which agreement would likewise be subject to certain statutable conditions; and, in the case of the landlord having a limited estate, he was empowered to recover from his successor a proportionate share of the sums expended. The nature of the improvements which the landlord was empowered to contract to make, so as to bind his successor, were defined, and also the method of ascertaining the extent of his rights. By Part VIII. of the Bill a great alteration was made in the power of the landland to recover his rent, for by the 26th section the power of the landlord himself to distrain the property of his tenant was taken away, and hereafter the distress could only be made by the sheriff and his bailiffs, after affidavit made by the landlord. By interposing this officer, the right of recovering rent by distress would be made less harassing and less liable to abuse than under the existing law. As the basis of the system proposed by his Bill was contract in writing, so it was provided that no contract should be valid to enforce rights unless it was duly registered; for which purpose a registry book was to be provided by the clerk of the peace for each county. There were many minor matters of detail with which he need not trouble their Lordships. They had been carefully considered to meet cases which might arise. On the whole he believed the Bill had been carefully constructed so as to secure the due rights and interests of both landlords and tenants, and would give satisfaction to the moderate and thinking part of the population of Ireland, and if carried out could work no injustice between man and man. Two objections might, perhaps, be preferred against proceeding with the measure — first, that the attention of Parliament was fully occupied with other matters, and that there would not be sufficient time to consider the matter properly this Session; and secondly, that, in the present lamentable state of Ireland, the time was inopportune for dealing with so grave a question. He hoped, however, that neither the House nor the Government would attach much weight to these pleas. Considering the period at which they took Office, and the important measure to which they had chiefly devoted their attention, nobody could blame the Government for not having introduced a Land Bill of their own this Session; but Parliament had still three clear months before it, and, in view of the progress which the Irish Church Bill was making in the other House, there was every prospect that their Lordships would, in a few weeks, be called on to give their decision upon it. There would therefore be plenty of time—if the Government were inclined to take up this Bill—to consider it in the other House. He hoped, therefore, that the Government would be disposed to accept this Bill and to expedite its passage to the other House, or that, at any rate, they would express such an opinion upon it as would show their determination to give no countenance to the visionary projects which were producing such terrible mischief in Ireland. It would not, indeed, satisfy, nor was it intended to satisfy, the absurd theories which were being disseminated by the National Association and other bodies, and which were misleading many men whose education and abilities ought to have protected them against such delusions. The proposition which seemed to have found most favour was the entire abolition of property in fee in the soil, or what was called "landlordism;" and it was apparently believed by the National Association that the Government would actually listen to a scheme of leases in perpetuity, under what would be called in this country a corn rent, fixed by the price of corn and cattle, tenants being under no other restriction than the obligation of paying rent. Language, unfortunately, had been used during the last two years, by men who ought to have known the danger of such language, which had had a very lamentable effect. He had no intention of quoting the letters or speeches to which he alluded; but this language had brought matters to such a crisis that it was absolutely necessary that the Government should clearly state what principles they would adopt and would stand by in dealing with the land question, and whether they would lend the slightest countenance to these visionary and mischievous views. It had been stated that, in order to ameliorate the condition of Ireland, the Government would deal with the ecclesiastical arrangements, with the land question, and with education. Now, he would remind their Lordships that the education of the people did not depend merely on "the three R's," but on the inculcation, both by precept and example, of that respect for life and property which was the very foundation of civilized society, and without which neither the peasant nor the landlord, neither the rich nor the poor, could enjoy any comfort or prosperity. Unhappily, however, this great principle was not recognized by the Irish people, and in one of the reports or resolutions which the National Society was circulating throughout the country it was distinctly stated that the people were being educated in hostility to landlordism—a doctrine which was nothing less than confiscation, though confiscation had in times past been the bane of Ireland. He had been sorry, too, to see it laid down by men of high position that the religion of a proprietor of land was a grievance to the rest of the population. Men who styled themselves Free Traders had actually propounded the notion that because a landlord was a Protestant his property should be less secure than that of a Roman Catholic; yet he believed that, in general, tenants, when they interested themselves in a landlord's religion at all, preferred a Protestant. No one felt more keenly than himself the shame which was brought on the country, and the wrong which was done by the abuse of the rights of property, and he only wished he could see his way clear to preventing that abuse by statute. He wished, however, that public opinion should be brought to bear on the matter, in order that no owner of property of whatever kind might use his power so as to wrong any man, however humble. All that could be done by legislation was to facilitate and enforce contracts; and he would appeal to the Government to accept this Bill, or in some other way show their determination to maintain the law of the land with regard to property, so as to check the extravagant opinions which at present prevailed.

Moved, "That the Bill be now read 2ª."—(*The Marquess of Clanricarde.*)

Earl GRANVILLE: The noble Marquess (the Marquess of Clanricarde), being an Irish Member of the House, and being interested therefore in the condition of Ireland, and having, moreover, paid particular attention to this most vexed and difficult subject, need not, I am sure, have offered any apology for re-introducing this measure, which he has already succeeded in passing through a Select Committee, described by him in glowing, but I believe not undeserved terms—though I hope that description applies to most Committees of your Lordships' House entrusted with the consideration of important questions. I am bound to admit that he has discharged his task in a most calm and temperate manner, and in a very courteous manner as regards Her Majesty's Government. I feel that it is I who ought rather to apologize for rising to speak on this matter when there are noble Friends, by me who were members of that Committee, and who possess a personal acquaintance with Ireland to which I can make no pretension. They have, however, thought it well that I should state at the very outset of the debate the course which the Government deem it best to pursue with regard to the noble Marquess's Bill. I readily admit that—unanimously recommended by the Committee, with the proviso to which the noble Marquess referred, that in the opinion in some it does not go far enough—it contains many most valuable provisions with regard to written contracts to enable limited owners to deal with compensation for improvements, to restrictions on eviction so as to prevent cases of hardship, and to the machinery for enforcing the rights of tenants, not to mention other points of detail, which are great improvements on the present law. What, however, most of your Lordships will, I think, feel is that this Bill, though in fact a re-construction of the law of tenure, is not sufficient to settle what is popularly called the land question of Ireland; and the noble Marquess has himself said he was quite aware it would not satisfy those visionary persons who expect that all the laws of property should be set aside for their benefit. I quite concur with him in that opinion, and I trust that no such law can possibly pass the Legislature of this country. But it is also clear that more moderate persons, who deplore the present condition of the relations of landlord and tenant—a condition partly the fault of the landlord, partly the fault of the tenant, and still more, I believe, the heavy hand with which for many years the Government and legislation weighed so unjustly upon upon that country—will not regard this measure as sufficient finally to settle the question and to produce that contentment among moderate persons in Ireland which the noble Marquess hopes and anticipates. That feeling, I imagine, existed also in the Committee, and I am not sure that even my noble Friend on the cross-Benches (Earl Grey) believes that the Bill would be a permanent settlement of the question. What my noble Friend argued in his draft Report with so much ability was that it would have a beneficial effect. The cry a good many years ago was "The Bill, the whole Bill, and nothing but the Bill;" but I do not think that was the feeling of the Committee—especially when we bear in mind past attempts at legislation on the subject. The noble Marquess gave a sketch of those attempts, but with some omissions. I believe that after the passing of the great Reform Act Mr. Sharman Crawford introduced a number of Bills on the subject, and that one of them led to the appointment of the Devon Commission. It is a melancholy reflection that the evils pointed out by that Commission still to a great extent exist, and in some degree are even intensified, and that no remedy has yet been applied to them. Lord Derby, I think, who is not now present, introduced a Bill; and I believe my noble Friend (Lord Athlumney), then Sir William Somerville, introduced a Bill, and a few years afterwards a group of Bills; all those measures recognizing the principle that compensation should be given to tenants for permanent improvements made without the assent of the landlord. Then a Bill was introduced by Sir Joseph Napier as a Member of Lord Derby's Government; next came the Bill of Mr. Chichester Fortescue, in 1866; and, in 1867 the Bill of Lord Mayo, and the one introduced by the noble Marquess himself. Mr. Cardwell's Bill, owing to defects in its machinery, proved to some extent inoperate; but it laid down the principle that the tenure of land should depend on contract, and it also permitted compensation for permanent improvements under certain circumstances. Mr. Chichester Fortescue's Bill went on the principle of reversing the presumption of law that, in the absence of an agreement, tenants have no right to compensation for improvements, inasmuch as it provided that, in the absence of any written agreement, the landlord should be liable to re-pay the tenant for permanent improvements. With regard to the two Bills introduced by Conservative Governments, it happened in this case, as in other cases, that, from the force of circumstances, the measures of the Conservative Government were less Conservative in their character than those to which I have already alluded. Sir Joseph Napier's Bill went, I think, to this extent—that it gave retrospective compensation for permanent improvements, and it enacted compensation for improvements made against the wish of the landlord. Lord Mayo's Bill provided loans to tenants, and gave compensation in some cases to tenants for improvements made contrary to the wish of the landlord. Now, I only refer to these various Bills for the purpose of showing that, when successive Governments of opposite politics have undertaken to frame a measure, they have all thought it necessary to go further than this Bill of the noble Marquess. Her Majesty's Government yield to no body of men in their ardent wish to see this serious and complicated question settled. They believe that without a satisfactory settlement of this question it is utterly impossible for Ireland to become a happy, prosperous, and contented country. There cannot be the smallest doubt upon the point that the relations of landlord and tenant in Ireland are in a most unsatisfactory state. There is no question, I imagine, that questions of religion and questions connected with the tenure of land are almost the sole political causes of irritation and dissatisfaction existing in the minds of the people of Ireland. I do not mean to say a word with regard to the former; but it is an historical fact that the Irish Church question was the immediate cause of the dissolution of the late Parliament, and was the one great question which had to be decided by the constituencies. In consequence of that decision the late Government resigned and the present Government came into Office, pledged as strongly as I can conceive any Government to be to deal with that question and to try to bring it to a successful issue. Now, I think there is nothing so discreditable to a Government, or more calculated to mar the progress of any great political measure, than that a Government should undertake to deal with the subject at a time when there is no reasonable likelihood that it will be able to carry the measure they have in view into successful operation. It is only, therefore, after the most careful consideration of the whole question, and of the time the Irish Church Bill will probably occupy—considering the period of the Session at which we have already arrived, and the probable time left to us for legislation,—and I am not so well informed as the noble Marquess as to be able to calculate on the Session lasting three clear months longer—that the Government feel that they could not with due seriousness and earnestness undertake to deal with this great and important question, in addition to the Irish Church Bill and the other important English and Scotch measures which were recommended to both Houses of Parliament in Her Majesty's Speech. For this reason alone Her Majesty's

Government do not at once grapple with the question; and I can assure the noble Marquess that the second objection which he anticipated—that the state of Ireland forbids the attempting to deal with it—is one which they do not put forward in the slightest degree. If we had time, the Government would be quite prepared to deal with the subject at the present moment. Although, moreover, the provisions of Lord Mayo's Bill and of Mr. Fortescue's have been received in a very different spirit in different quarters, having been praised by some and blamed by others, and although the Government do not pledge themselves in any way as to any particular details contained in those Bills, they think there are many propositions in them, and in the Bill now proposed by the noble Marquess, which might form materials with which a measure satisfactory to moderate men of both parties might be framed. They feel, however, that they cannot undertake to deal piecemeal with this question; and, therefore, though I should not think of voting against the second reading or any subsequent stage of this Bill, I think it is for the noble Marquess in particular, and for your Lordships in general, to consider whether it would really further the object in view to send the Bill down to the House of Commons, when, for the reason I have stated, it is impossible for the Government to give proper attention to it. One suggestion I would also throw out. We have had a good deal of discussion lately with respect to our not having a sufficient number of Bills originated in this House. Now, it has been generally admitted—and by none more freely than by Lord Derby—that although that complaint is not without foundation, there are many Bills which are more likely to be satisfactory to the public if they are originated in the House of Commons; and I cannot help thinking that a Bill introduced by any one Member of this House—himself an Irish landlord and a member of a class almost exclusively represented in this House—would not, even though it were exactly the same as one passed by the House of Commons, be so likely to receive favour in the hands of moderate men of both sides as if it had originated in the House of Commons. I have not gone into the details of the Bill, but I thought your Lordships would wish for as straightforward a statement as I could give of the conclusions come to by the Government on this subject.

Earl GREY: My Lords, I must express my dissatisfaction with the statement made by my noble Friend the noble Earl who represents the Government in this House. I cannot but think that, upon a subject of such extreme gravity and importance, Her Majesty's Government were not entitled to adopt the line they have done. This Bill ought to pass, or it ought not. If it ought not, it was the bounden duty of the Government in the position in which they hold, and with the authority which it is their province to exercise, to advise your Lordships to reject it, and to move in the ordinary way that it be rejected; but, shrinking from that course, and throwing on my noble Friend the responsibility of passing the Bill, the noble Earl has, this evening, taken a line which I believe was never before taken by a Minister of the Crown in this House. The noble Earl says—"I disapprove the Bill being passed: I think you are going to act imprudently, and in a manner injurious probably to the object in view, if you press it; but I will not oppose it: I will allow it to go through this and subsequent stages, and leave it to your Lordships to decide the matter." Now, that, I say, is a course utterly undignified and utterly unfitting for one having the high honour of being a Servant of Her Majesty in this House. It is a course, also, which places those who think, as I do, that the passing of a measure on this subject is of the deepest importance to the public welfare and the public safety in a most difficult situation. We have not been told why we ought not to vote for this Bill—we are not given a single reason for its rejection or any explanation of the principles of legislation which Her Majesty's Government propose to adopt—yet, at the same time, we are advised not to pass it. I confess I feel myself very unequal to the responsibility of so large a question which is put before me in such an unexpected shape. It never occurred to me that I should be called on to take part in a discussion of this kind. I thought it possible, when I came down to the House, that objections might be taken to the Bill, and I should have been prepared to meet them. I thought it possible, on the other hand, that the Government would consent to the second reading of the Bill, but on the understanding that it should be amended in Committee; and that, also, would have been a perfectly simple case. But I certainly never expected to hear from the noble Earl, respecting a Bill of such importance—a statement that has left us in this position. I will endeavour, however, to state some reasons which induce me to think that a Bill of this kind ought to pass. In the first place, I think it is impossible for any man to look at what is going on in Ireland, and to doubt that the present state of the relations between landlord and tenant is doing extreme mischief. It is not merely the fact that agrarian outrages have broken out with such increased violence during the last few months; it is not merely that the agitation upon this subject has greatly increased, but it is the fact that men's minds are getting more and more turned to the belief that some measure is ultimately to pass inconsistent with those ordinary rules with regard to the sanctity of property which hitherto have been respected by the Legislature. This impression is gradually gaining more and more hold of the minds of the people of Ireland. Under such circumstances every delay on the part of the Government to deal with the question—every day you allow the evil to take root—the greater will be the difficulty of solving it when the attempt is made to do so. Now, the law, as it exists, is universally admitted to be bad. In the Committee of this, and also of the other House of Parliament, I believe there was not a single witness examined who did not concur in condemning the present state of the law effecting the tenure of land. It was admitted to be so uncertain that even able and practised lawyers were often in doubt as to what was the real effect of the law on various important points. It was admitted that it practically discouraged the granting of leases or even of written agreements respecting the occupation of land, both from the excessive expense which attended such agreements, and by the difficulty also of enforcing them, so that landlords were loth to give leases; and we had the statement of most experienced land agents that the existing state of the law, and the uncertainty of what Parliament might do hereafter, made men hesitate to advise landlords to grant leases to their tenants. It is universally admitted—wide as are the differences of opinion on other points, on this at least, there is a general agreement — that nothing is more desirable, even if you do not compel the granting of leases in Ireland, than to afford every encouragement to landlords to make arrangements of that kind with their tenants, so as to place the relations between the two parties on the most certain possible footing. But the state of the existing law and the uncertainty as to what will be the law hereafter have the effect now of making the grant of leases, or even written agreements, more and more rare. What is the result? The mere fact that that there is an absence of written agreements with respect to the disposal of land is at the root of half the evils and difficulties with which you now have to contend in Ireland. Your Lordships are all aware that, in dealing with land, the lapse of a considerable number of years before agreements that are made can be fulfilled must be reckoned upon; these transactions, from their very nature, extend over long periods of time; and, if an agreement respecting land is a mere verbal one, even should the parties who make it both survive, at the end of ten, twenty, or thirty years, it is very natural that there should be some difference of opinion between the parties as to what was really agreed upon if there is no written or authentic record of it. Of course, during this long period, it is very often not those who have made the agreement, but their successors, who have to decide upon the mode of carrying it out. In the natural course of things landlord and tenant die and their successors find that what each has a right to claim from the other depends upon an agreement to which they were not originally parties, and the real effect of which they only know vaguely and by hearsay. What is the consequence? Each party very often honestly believes that the agreement was one more favourable to himself than the other party is prepared to admit; and thus arise differences of opinion and doubts as to what was really agreed upon which have very often caused the worst outrages. There is one case which, without mentioning the names of the parties, I may cite to your Lordships, because it forcibly illustrates my meaning. A great many years ago there was a gentleman who owned a large tract of waste land in Ireland. He took an interest in the reclamation of this waste; he had improved much of the land himself, and had encouraged his tenants to do a great deal more. He let a quantity of land of this description, which in its then state was utterly worthless, to a number of tenants on an agreement, as was afterwards alleged, that for a certain number of years they should pay only a nominal rent, but that, after the expiration of that term, a higher rent should be required; that rent was to be gradually increased, and was to represent ultimately the fair value of the lands; and, on the other hand, the tenants who were to reclaim this land were to be allowed facilities for getting lime and other things for the purposes of these improvements. The improvements were carried out successfully. A great deal of land, from being utterly worthless, was made fertile and productive. But, after some years, the gentleman by whom the arrangement was made was dead; I believe a great many of his tenants were dead also; and the time came when the new owner of the property asked to have an increased rent from the occupiers of the land. They, on their part, said that the increased value of the land was entirely due to their labour; they declined to pay a higher rent, and there was also disputes with regard to the terms on which they were to have lime. I do not know which of these parties was in the right. I think it is highly probable that the gentleman who let the land in this manner had contemplated that he should ultimately have an increased rent in consideration of letting the land for a considerable number of years at a low rent. That is highly probable; but the reverse may have happened. It is a question on which a difference of opinion was very natural. But, unhappily, there being no record, no formal agreement, and no lease, and the land being held from year to year under the owner, the new owner had the complete power of enforcing his own view of the case, without regard to what might be the feelings of the tenants. The law was clearly on his side. He could compel the tenants—either to give up the land or to pay the rent which he demanded; and I presume, supposing himself to be right he determined on enforcing his rights. The result of these proceedings was that in a short time after he was barbarously murdered. I have been told by an experienced land agent in Ireland that this was one very notorious case which arose entirely from a misunderstanding between the parties as to their rights; but that this is only one out of the multitude of such cases. Almost the majority of these outrages arise from differences of opinion between the occupier on the one side and the owner on the other as to what is just to each. And your Lordships will observe that, though there may be an honest difference of opinion, and though in a majority of cases both parties believe themselves to be in the right, yet the law, which leaves the rights and claims of both parties thus uncertain and undefined, does enable bad men, whether landlords or tenants, to be guilty of great injustice and great crime. Suppose that, in the case I have mentioned, the person who had allowed these improvements had really agreed that the tenants who undertook them should enjoy, for a much longer time than they actually did, the full benefit of their labour, there was still nothing to prevent him from being guilty of grievous oppression by insisting on resuming possession of the land, or on higher rents, before his tenants would have recovered the cost of the improvements they had made; and, though these cases of oppression are undoubtedly rare, I am afraid it is impossible to doubt that such cases do occur, that oppression is, in some instances, deliberately committed, and that these cases are sufficiently numerous to create among the tenantry of Ireland a general sense of insecurity and wrong. Now one defect in the existing law is that it does practically prevent written agreements between the parties. It also, as I have said, leads to cases of injustice and oppression. But, further, it embitters the relations between landlord and tenant in this manner—it provides no cheap, simple, and easy mode by which disputes may be settled, and the performance of agreements enforced. Landlords are now very much discouraged from granting leases by the fact that, if they do so, they have not any easy means of enforcing them. And, as these faults exist in the present law, and oppression occurs under it, those who are agitating this question from mischievous motives enjoy an advantage which they ought not to possess in exciting hostile feelings among the occupiers of land. As I have said, there is a real grievance. People feel it deeply, and feel it every hour of their lives; but it is difficult for them on a question of this kind to understand what the real remedy is, and therefore they are easily deluded by those who come to them and tell them—"You are now liable to oppression and wrong. Support the measures we propose and you will be saved from all this injustice." This is the result of allowing a grievance of this kind to exist without taking some means of redressing it—those who suffer are induced to adopt the views and become the ready instruments of agitators who endeavour to excite them. There are two special objects which these agitators endeavour to bring before the minds of the peasantry—fixity of tenure and compensation for improvements. Now, fixity of tenure means nothing more nor less than transferring to others a large part of the property which now belongs to the landlords. It is, in fact, confiscation. But, besides that, no man, I think, can have read the evidence given before the Committees of both Houses of Parliament without coming to the conclusion that any provision such as this must tend to the injury of those very persons on whose behalf it is desired. We know from past experience how little advantage is derived from land being held in small allotments on long leases in Ireland, and how little it is usually improved by such tenants. We know, moreover, that the tendency is to divide and sublet land which is held for long periods until it is reduced into small allotments, utterly incapable of supporting in any tolerable comfort those who hold them, so that, through such subdivision, they are exposed in bad seasons to certain famine and starvation. We know that that is the tendency; but we know also that what is called fixity of tenure will give the small tenants in Ireland uncontrolled dominion over property, and would operate with extreme hardship on those below them—for there is a labourer's as well as an occupier's question to be considered in dealing with this subject. Every man does not hold land; and if you give the present tenants positive and permanent security of tenure all those who do not now hold land will be left entirely without the means of obtaining it, and without any means of redress or subsistence whatever, and the labourers who look to the larger proprietors for support and assistance will thus be placed in a much worse position. The evidence is quite conclusive which goes to show that labourers who are in the worst condition in Ireland are those who live on the small properties; nor is it difficult to see why that should be the case. But there is another notion, which is that compensation ought to be given to the tenant for improvements. That is undoubtedly a very popular notion. We are all in favour of giving compensation to those who, at their own expense, have improved the land which they hold; but then the question is in what manner that compensation is to be given? My noble Friend the Secretary of State for the Colonies has told us that various Bills have been brought foward by successive Governments, all disposed to admit this principle that, under certain circumstances, compulsory compensation should be provided for the tenant. I grant that this has been the case; nor do I wish now to question the motives which led to the measures giving compulsory compensation being introduced. I think, however, I am warranted in saying that these measures when brought forward have invariably been found not to stand the test of even comparatively careless criticism. It has been found in the case of all of them, when closely examined, that the effect of giving compensation in the manner which they proposed, must lead to far more injustice than practically arises under the existing law. You say the landlord is to give compensation to his tenant for improvements. That is very fair; but upon what is the claim of the tenant to be founded? It must be for improvement in the value of the land which he occupies. Now, in many cases, the works called improvements, for which compensation is claimed, are not improvements in the land at all. One of the most ordinary improvements for which compensation is claimed is a house which may be built on a farm far too small to support it. Is that an improvement which can be looked upon as advantageous to the landlord? Very much the reverse. It is, on the contrary, a deterioration to his property: it increases the difficulties in the way of gradually consolidating the property, so that those who occupy will have a chance of obtaining a reasonable living; and yet it is sought to compel the landlord—against whose wish this house may have been built—to pay the value of such an improvement, although he might much prefer being without it. Such a proposal is opposed, in my opinion, to all our notions of equity. But there is hardly any description of improvement for which compensation could be claimed, such as fencing and perhaps even draining, which may not, in certain cases, be very injudicious, and not in reality calculated to increase the value of the land. Another question also arises in dealing with this matter. Before compensation can be claimed, it ought to be shown that the improvement has been really carried out at the expense of the tenant and has not been already paid for by the landlord—when you come to look back over a tenancy of twenty or thirty years' standing, there is nothing more difficult than to prove that this is the case; and we know from experience that the most preposterous claims on the part of tenants for improvements have been put forward at the end of long leases. We have the evidence of a gentleman who filled the position of a Master in Chancery in Ireland—a gentleman, I believe, of great ability and judgment — who was, under the orders of the Court of Chancery, directed to report upon certain property with respect to which numerous claims for compensation were brought forward by the tenantry. The claims came to a large amount; but when this gentleman went to the spot and examined into the matter, he found that they were quite preposterous, and being an impartial and disinterested man, he reported to the Court of Chancery that no valid claim whatsoever for compensation existed in that case. All these questions must be considered when you are proposing to give a right to claim compulsory compensation. But more than that—if you attempt to legislate on the principle of giving compulsory compensation, you must bear in mind that you thereby are giving to the landlord an enormous motive to exercise the power which he undoubtedly possesses to prevent such claims from being brought against him. A land agent was examined by us, who stated distinctly that landlords had changed their opinions as to the expediency of granting leases since those claims for compensation seemed likely to be given: they said that, when there was a chance of Parliament establishing a right of that kind, it would be unwise and imprudent for the landlord to part with his land and place it beyond his own control for a period of several years. If he lets his land only from year to year, and his tenants attempt to make improvements of which he disapproves, he has an easy remedy to resort to by giving them notice to quit; but if he gives them a twenty-one years' lease and Parliament afterwards steps in and says the tenant shall be entitled to make improvements whether the landlord approves them or not, and to call upon him to pay for those improvements at the end of his tenancy, the landlord may be exposed to very serious loss, and will hesitate to grant a lease for so long a time. That is practically the state of things at this moment. Landlords are almost afraid to grant leases, because they feel that they may be used against them. I have now stated very imperfectly some of the objections which occur to me against giving to tenants this power of demanding compulsory compensation for improvements, but I cannot pass from this point without mentioning one fact. One of the most experienced land agents in Ireland was examined on this subject, and was asked what effect such legislation would, in his opinion, have on the mutual relations between landlord and tenant in Ireland. He said he had often thought with horror of the effect which giving stringent powers of that kind to the tenant against the landlord would have in the multiplication of evictions, and in producing misunderstanding and ill-will between landlords and tenants in every part of the country. Such, speaking from memory, were nearly the exact words which were used by the gentleman to whom I am referring. Such being the state of things, my noble Friend (the Marquess of Clanricarde) asks your Lordships to give a second reading to a Bill which has been very carefully considered in all its details by the Committee of last year. The Bill is one which proceeds on a very simple principle. It requires, in the first place, that all future agreements with respect to land in Ireland shall be in writing, and it provides the means by which those agreements can be made most simply, cheaply, and expeditiously. It so entirely reduces their cost that it will not be an object to the smallest farmer. It provides also for having those agreements registered, as well as means by which the landlord and the tenant may each introduce into them any conditions which they may think proper. Then the Bill gives the freest and most unfettered powers to the parties concerned to come fairly to an agreement; and it further provides a simple and effectual means of enforcing the agreements so made. Either party will be enabled to obtain a legal decision on any point that may be disputed with very little delay, and at a very slight expense. The Bill provides for the earliest possible settlement of all disputes, and for preventing their growing up to such a frightful height as they do under the present system. It likewise contains provisions of the highest importance for enabling landlords and tenants to make arrangements between themselves with regard to the improvement of the soil. It arranges in what proportion the expenses shall be borne and the advantages reaped by both parties, so that there shall be no possible doubt as to their respective rights and claims. Besides all this, the Bill gives great facilities to the holders of entailed estates and other limited owners to grant leases for terms of years, and to make arrangements with their tenants for improvements extending beyond the time for which they may themselves hold their land, care being of course taken that the rights of all parties interested shall be duly respected. This, my Lords, is a short description of the main objects of the Bill, which has been brought into this House more than once, and which has been drawn with great care by Mr. Tighe Hamilton, who has spared no pains in endeavouring to effect all the improvements suggested by the Committee. The Bill in its present shape is, in my belief, well-fitted to pass into law, and would be a most satisfactory piece of legislation. But, if Her Majesty's Government are of a different opinion, there is nothing to prevent their proposing such alterations in it as they may consider to be be required. And this is what I think they ought to have done instead of saying, as my noble Friend the Secretary for the Colonies has said in effect—"You may pass it through this House if you like, but we advise you not to do so, and give you warning that we shall do our best to defeat it in the House of Commons." Now, I must say I do not think that is a course which ought to have been taken. If it is thought that a compulsory system of compensation for improvements ought to be engrafted on this Bill, there is no reason why Amendments to effect that object should not be proposed in this House when the measure is under consideration in Committee; but it is a most reckless thing for my noble Friend to assert, as he has done to-night, that there ought to be in some form or other regulations for compulsory compensation in respect of improvements, while, at the same time, he abstains altogether from defining what those regulations should be. He declines to inform us how the difficulties which beset the subject are to be dealt with, and merely tells us that it will be postponed to another year. Does my noble Friend remember that the postponement of this subject to another year involves another winter in Tipperary? If Her Majesty's Government refuse to do their best in order to enable Parliament to calm the minds of men in regard to this great question, they will be morally responsible for the consequences which may ensue. My Lords, a letter has been recently addressed to one of the principal newspapers in Ireland, by a person who considers himself aggrieved by the existing state of the law. He says—

> "As to the Church, it is comparatively nothing; as to any other question, it is of minor importance, but what we want now is protection in regard to the land."

He adds that his own case is a most cruel one, and that he is threatened with eviction, and that it is our business to settle this question without any further delay. He then repeats that there is no other subject to be compared with this in urgency and importance, and says that it ought to be settled without delay. No doubt this writer thinks we ought to settle it by giving him the complete property in his land. I do not say that; but I do say that we ought at once to determine in some way or other the relative positions of landlords and occupiers of land in Ireland. My noble Friend's balanced phrases, one for the landlord and another for the tenant, can do nothing but unmixed mischief. What is required of Her Majesty's Government is that they should take this Bill into consideration, and either adopt or reject it. In the event of their being convinced that this measure will not settle the question in a satisfactory way, it is their duty to call upon this House to throw it out; but it is placing the House in an unfair and improper position to say that, though your Lordships may pass this Bill, the Government will throw it out in the other House.

THE EARL OF KIMBERLEY: My Lords, I can assure my noble Friend that I am not at all alarmed at the minatory tone of his remarks against Her Majesty's Government. Her Majesty's Government will choose their own time and their own manner for dealing with the matter, whatever may be the opinions and, I might almost say, the menaces of my noble Friend. In point of fact, my noble Friend wishes to induce the House to take the course which he failed to induce the Committee that inquired into the subject to take last year. My noble Friend proposed in that Committee a very ably drawn Report, to the ability of which all who have read it will do full justice. In that Report he points out with great force his objections to any possible scheme for the compulsory compensation of tenants for any improvements made on their farms. Well, my noble Friend so far induced the Committee to adopt his views that, when I proposed the omission of the controversial part of his Report, I was beaten by a majority of 9 to 5. On further consideration, however, the Committee adopted a wiser and more prudent course, and determined that my noble Friend's Report should not be presented to the House, but they should merely recommend the Bill to the House. Now, I have a right to assume that the Committee took that course because they deemed it more prudent to leave open these questions; and, in fact, they did exactly that which my noble Friend is so exceedingly angry with us for proposing to do. They thought most probably that this was a question which could be most satisfactorily dealt with by the Government. My noble Friend is very angry with my noble Friend the Secretary of State for the Colonies because he did not state his objections to the Bill. But how could my noble Friend state his objections when he expressly commenced by saying that the Bill contained many good provisions, and that some would afford an excellent basis for legislation? Nor can I make the objections which my noble Friend opposite is so anxious to hear in order that he may demolish them in his reply. I think the noble Marquess is entitled to great praise for drawing up the Bill; and I think the Bill has been considerably improved by the labours of the Select Committee, and that it is now a good Bill. But I desire to point out that it certainly will not be accepted in Ireland as a settlement of the land question. My noble Friend has remarked that it is a very dangerous thing to hold out language to the people of Ireland that might be misunderstood. One would suppose, from what we have heard tonight, that this question had arisen but yesterday—that it was something new; but it has—unhappily I admit—been agitated in Ireland for many years; and it is a question as to which both the great parties in the State, when under the responsibilities of Office, have agreed that some further legislation is necessary beyond that which is proposed by my noble Friend. My noble Friend went through the various Bills which have been previously proposed—the Bill brought in by my right hon. Friend (Mr. Chichester Fortescue) then, as now, the Chief Secretary for Ireland, and also the Bill introduced by Lord Mayo. I have a right to infer from those Bills and from the Bill proposed by the Ministry of the noble Lords opposite, that those who have been responsible for the government of the country of late years have been conscious that some further legislation on this subject is requisite than that contemplated by the noble Marquess. They may or may not have been right in that; but I say that no Government, at the present time, in dealing with this question can afford to disregard what has been done by former Governments or the expectations which have been raised by their proposals. My noble Friend (Earl Granville) justly pointed out that in these various proposals might probably be found the germs of a measure which might be accepted by all parties. Strong objections might have been taken to some parts of the scheme of Lord Derby's Government; at the same time, when some discussion occurred regarding that Bill, two years ago, I said then, as I say now, that I would not take the responsibility of rejecting the proposals of that Bill without very mature consideration, the question it dealt with being one of so difficult, so perplexing, and so serious a nature. Undoubtedly, that measure went exceedingly far in principle, because, as my noble Friend has pointed out, it expressly recognized that improvements might be made by the tenants on their landlords' estates without the consent and even against the will of their landlords; and it also proposed to lend the credit of the British Treasury to tenants on the security of the landlord's property for executing improvements to which he had not consented. I merely mention this to show that those who were then responsible for the government of Ireland found it necessary to go further than the Bill of the noble Marquess does. The noble Earl (Earl Grey) has challenged us to state the principles on which we think it would be wise to legislate. I entirely decline to follow him on that ground; it would be in the highest degree indiscreet for me to do so. For excellent Parliamentary reasons—from the state of the Session, and the circumstances of the moment at which the present Government was formed—it is impossible to give this grave question the deliberation it requires with a view to legislation this year; and it would, therefore, be most improper to attempt by anticipation to indicate the provisions of any scheme which may be brought forward in a future Session. But I am sure I speak the feeling of my Colleagues when I say that we should not consent to a measure upsetting the rights of property and inconsistent with the just rights which must be maintained throughout the United Kingdom. The sound principles laid down by the noble Marquess must be borne in mind—that while we should endeavour in some way to devise a scheme which may satisfy moderate men in Ireland, recognizing that some different arrangements are necessary there than now exist to secure the tenant the enjoyment of the money he has laid out, at the same time we ought to take care not to unsettle the rights of property throughout the United Kingdom. I have thought it proper to say thus much, because it it is said that vague expectations are entertained in Ireland on this subject. It would probably be for the advantage of the measure before us, and for the settlement of the question to which it relates, that the Bill should not be dealt with in a hostile manner by those who do not deem it sufficient for the purpose; but we find nothing inconsistent, with the policy which we may have to propose in another Session, in not objecting directly to the second reading of this measure, although it is one which we think it would probably be better should not be passed into a law during the present Session. I am sorry that I am obliged to decline to answer my noble Friend in regard to the objections he has made to various schemes for giving compensation to tenants in Ireland; as for the reasons I have given I think it would be more prudent and right that I should abstain from following him on that ground.

The Marquess of SALISBURY: What I object to is not that Her Majesty's Government do not take up this Bill or try to pass an Irish Land Bill this year—I can appreciate the difficulties that such an undertaking would involve—but what I complain of is the exaggerated tone held as to Ministerial discretion and reserve on the present occasion, and to the entire ignoring of the peculiar and terrible state of things existing in Ireland at the present moment. They do not consent to see—they will not see—that there is something more than a party—there is almost a class in that country who entertain and preach doctrines absolutely subversive of all the established rights of property—that these men claim in the strongest terms an alienation of part of the property of the landlords to themselves, and they declare that the question shall be settled in no other way, and that they will be content with no other terms. On the other hand, we have a Government recently appointed, belonging to the Liberal party, containing within its bosom Members distinguished in past times by a strong and exaggerated sentiment on the subject of changes in the law of landed property—a Government more powerful than any which has existed since the Devon Commission reported. Under these circumstances it seems to me that something more is required from the Government than diplomatic reticence on a subject such as this. I acknowledge the infinite skill displayed in the balanced periods and vague declarations which we have heard from the two noble Lords opposite. It would have been impossible for them to use language more fit for the purpose of concealing their thoughts than they have done. But it is upon this careful and adroit reticence that the disaffection of Ireland leans. Every man who hopes for revolutionary change in regard to the landed property of Ireland from this Liberal Government may find in the careful reticence of the two noble Lords opposite matter to keep alive his expectations for another year. Now, my Lords, I believe myself that the Cabinet are what we should, on this side, call "sound" on this question of property. I do not believe they will interfere with the liberty of the landlord and the tenant to contract—the one as to his land, and the other as to his labour; I believe they will sustain the rights of property intact: but I can see that that belief may well not be shared by those who read their speeches in Ireland. My own opinion of the matter is this—that, putting all reticence aside, if they will but do what so strong a Government ought to find the courage to do—namely, declare their principles in the face of day, that will be enough to crush these wild schemes, to dash down the false expectations and exaggerated hopes which I admit the weakness of successive Governments and the vacillation of successive Parliaments have raised, and give to Ireland the only chance she still possesses, by the restoration of those sound principles on which alone her tranquillity can be based. In that way they might bring about the flow of capital for which, as the noble Marquess said, Ireland has hitherto looked in vain, and might lay the foundation of that prosperity which can alone spring from the security of property. But, if they will only consult the dictates of Parliamentary *finesse*, and pride themselves on their dexterity in putting their adversaries off the scent, they will incur the responsibility of all the evils which may ensue in Ireland, and they must expect that the false and subversive doctrines, which are doing so much harm in that country, will continue to grow and spread, and will render it all the more difficult to settle this question when the time comes for dealing with it in the only way in which statesmen can deal with it. Therefore, my Lords, I feel deep regret at the course which the two noble Lords opposite have pursued this evening. I do not ask them to take up or to pass this Bill; but to take some means of honestly declaring their views on this subject, and thus relieve the British Government from the charge that is freely made against them of complicity in some of those revolutionary views that have been expressed on this subject.

LORD ATHLUMNEY: My Lords, as the measures on this subject with which it fell to my lot formerly to be connected have been referred to, I wish to say that those measures were solely confined to the purpose of giving compensation to tenants for their improvements. At that period no one thought of going further than that; but since then, my Lords, the state of things has become very different, and the mind of the tenantry of Ireland is now running in a very different channel. But, my Lords, I was not the first who attempted to deal with this subject. One, if not two, Secretaries for Ireland, before my time, undertook to legislate upon it, but failed. I failed. It was not surprising that I should have done so, when abler men who followed me also failed. It was, I think, in 1847, that I introduced a Bill, it is now 1869—twenty-two years have elapsed since that time, and nothing has been done. It was that continued series of failures, one after another, which made me think the difficulties in the way of any scheme for providing compensation for improvements were almost insuperable, and therefore I fell back upon the plan which was embodied in the measure of my noble Friend (the Marquess of Clanricarde). I thought, and still think, that the simplicity of that Bill, which insists upon a written contract in all transactions between landlord and tenant—would put an end, if not to all, to the great majority of cases in which those misunderstandings and disputes which have led to such lamentable results have arisen. If by the plan of my noble Friend we could by any possibility ameliorate the state of relations between landlord and tenant, would it not be better to try it than to originate another Bill which might be attended with the same failure which has attended former attempts on the subject? My Lords, I heard with gratification from my noble Friend below me

(Earl Granville) that Her Majesty's Government will not be a party—if I understood him rightly—to any violation of the rights of property. Now, let not my noble Friend be alarmed. Let him not think that any such declaration will be unpopular in Ireland. Far from it; for the Irish tenant is a very shrewd fellow, and he is beginning to think—and many of them already think—that if the property of the landlords is invaded the property of the tenants will not last very long. Therefore, my Lords, there are in Ireland thousands of the tenant class—who, perhaps might not say so—who perhaps would be afraid to say so—but who will be delighted to hear that no sanction will be given on the part of Her Majesty's Government to any violation of the rights of property. I hope I have not misinterpreted what fell from my noble Friend on that head. My Lords, the situation of Ireland is peculiar. The agricultural prosperity now prevailing in that country is extraordinary. Almost all the farmers are well-to-do. Of course, here and there is an unfortunate man who may be sinking—there are such in all countries, at all times, and in all years; but, as a whole, I think I never remember so much prosperity and contentment among the agricultural class as regards their pecuniary position as there is at the present time. I have heard it remarked by others that that very prosperity gives rise to the intense desire which at all times exists in Ireland among the agricultural classes, but especially now and in times of prosperity, to gain and keep possession of the land. My Lords, you are not to believe everything you read in the public Press as regards the sentiments of the tenantry in Ireland. You are not to believe that what you there read speaks the sentiments of the whole class of tenants. Far from it. I believe the tenantry, as a class, are satisfied and contented at the present moment, and that many of them would be very glad if they were let alone. My Lords, a Committee sat, last year, under the presidency of my noble Friend (the Marquess of Clanricarde), and many of your Lordships no doubt looked at the evidence taken before them. That Committee was the means of eliciting evidence that many of the notions which are sought to be kept alive in this country with regard to the relations of landlords and tenants in Ireland have no solid foundation whatsoever. I believe that the tenantry of Ireland and what are called "the old landlords" of the country are very much attached indeed, and that kindness — common kindness — on the part of the landlord towards the tenantry elicits a great return of kindness and good-will. I can say that as far as I am concerned; and I am sure I can say the same for the great majority of landlords. My Lords, the religion of the landlord, as my noble Friend below me has well observed, is never thought of. Such a thing never enters into the mind of the tenantry; and, if I may presume to speak of myself again, I would say I am persuaded that, Protestant as I am, if I were to change my religion to-morrow I should not in the least be on a better footing with my tenants, and that I should not conciliate their good-will and kind feeling in the smallest degree more than I do at present. Then, again, many of the assertions which are made with regard to the relations between landlord and tenant have no foundation in fact. The statement as to high rents, exorbitant rents, demanded for land on account of the great competition that exists has really no foundation in fact. The "old landlords" of Ireland never consider their lands as an article of commodity; they never put them up to the highest bidder; whenever an opportunity occurs of re-letting their land it is done upon moderate terms, according to fixed rules and by mutual agreement, to the advantage of both parties. But with regard to the new proprietors—that is, the proprietors who have come into the possession of land through the Incumbered Estates Court—the case is somewhat different. And, as I have mentioned the Incumbered Estates Court, let me corroborate what has fallen from my noble Friend as to the share taken by a noble and learned Lord (Lord Romilly), not now in his place, in the creation of that court. I was Chief Secretary for Ireland at the time, and I never heard a second opinion on the subject. The Master of the Rolls was the author of the Act by which the Incumbered Estates Court was created, and deserves the credit of it. But with regard to the proprietors who have acquired land under the Incumbered Estates Court, their case is somewhat different from that of the old landlords. They want the interest of their money. They have purchased land as a marketable commodity, and they have in many instances—unduly, some of them—raised the rents of the tenants and created great dissatisfaction. But there is besides in Ireland a class which is known in that country as "land-jobbers." An Irishman knows exactly what they are; and there is in no community a more mischievous class or one more reckless in their proceedings, so that they have brought the relations between landlord and tenant into discredit. It would be quite superfluous for me to attempt a description of the provisions of this Bill. That has been done by my noble Friend who moved the second reading, and by my noble Friend on the cross-Benches (Earl Grey). I have stated why I approve this measure. I venture to think, my Lords, that the same difficulties which have arisen on former occasions will again arise when you attempt to legislate in the same fashion; but the responsibility in that case must rest with Her Majesty's Government. I hope the words of the noble Earl (Earl Granville) will go forth to the country, because the country is at the present moment in a very unsettled state. I hope that his declaration will have its effect in Ireland; and that those who are looking forward to a measure which will unsettle the rights of property, and by which something will be taken away from one man to be given to another, will now know that they have nothing of the kind to expect from Her Majesty's Government.

Lord WESTBURY: My Lords, I had the honour of being a member of the Committee to which reference has been made, and although I did not attend regularly, I was always in my place whenever it was thought the attendance of a lawyer would be beneficial. The Committee found the affairs of Ireland, as far as regards the relation between landlord and tenant, in a state of the greatest confusion, and they applied themselves to the amendment of the law. After much deliberation this Bill was produced, which we regarded as an amended code of the law as regards landlord and tenant. It did not attempt to deal with the larger questions involved in the matter; but a more useful code for ascertaining and administering the law could not, in my opinion, be framed. I have heard, therefore, with some regret that Her Majesty's Government will not accept this basis for future legislation. If their future proceedings are to be founded upon law, let them begin by amending the law between landlord and tenant in the manner in which this Bill suggests, and we shall have some confidence that their future proceedings will follow in the same direction, and, we hope, will be founded upon the same basis. The noble Lord on my right (Lord Athlumney) told us his mind was very much relieved by the declaration we heard from the noble Earl, lately Lord Lieutenant of Ireland, that what would be done by the Government for Ireland in the future would have regard to the just rights of property. My Lords, it is singular we should have come to a time when Her Majesty's Government deems it necessary to proclaim to the world that they do not mean to violate the rights of property. This would be unintelligible were it not that a Bill in the other House of Parliament explains to us what meaning the Government attaches to the phrase "the rights of property." I ask them to re-consider their determination, and to accept this Bill as the first instalment of these proceedings with regard to Irish measures. My Lords, thus far I have complained of the reticence of the Government; but we have equal reason to complain of the reticence of Her Majesty's Opposition, from whom we have not received one word, either in encouragement of the noble Marquess or in deprecation of his measure.

Lord CAIRNS: My Lords, my noble Friend below me (the Marquess of Salisbury) has so fully expressed the views of those who sit on this side, both as to the general merits of that Bill, and as to the somewhat singular course which has been taken by Her Majesty's Government with regard to it, that I do not think it necessary to add to what had been so well said. I am very glad, however, that my noble and learned Friend opposite (Lord Westbury) has given me the opportunity of rising, in order that I may, in the first place, join with him in expressing my great satisfaction at the assurance we have had from the noble Earl opposite (the Earl of Kimberley) that when Her Majesty's Government do proceed to deal with the law of landlord and tenant in Ireland, they intend to do so upon the basis of the laws of property. It is certainly a somewhat unusual state of things that in your Lordships' House a declaration to that effect should be held to be a relief to the minds of those who heard it. I cannot help however observing that it appears to me that your Lordships are placed, with regard to this particular Bill, in a somewhat singular position. As to the merits of the Bill we are all agreed — no speaker on either side the House has failed to bear testimony to the great merits of the measure, and the singular care with which it has been prepared. But what is the course the Government propose to take with regard to it? In this House, the noble Earl opposite (Earl Granville) says he is not prepared to offer any opposition to the Bill; and the Lord Privy Seal went further, and declared that it is a most excellent measure, which ought to form the basis of any legislation upon the subject of landlord and tenant. Therefore Her Majesty's Government, in this House, are not going to oppose the second reading of the Bill, nor to vote against any of its provisions — on the contrary, the Government propose to facilitate the passing of the Bill through this House. But what is to be done in the other House of Parliament? The Bill will go down to the other House, and I want to know what course the Government will take upon it there? Are the Government in the other House going to do what its representatives are going to do here, or are they going to do precisely the opposite and vote against the Bill? Reference was made by the noble Earl to the various measures upon this subject which had been brought in by preceding Governments; and the Lord Privy Seal said that the Government meant to deal with the Irish land question, and would announce their intention of doing so at a future time. The reason he gave for the course now taken by the Government is that every previous Government has admitted the necessity of legislating with regard to the land in Ireland, and each preceding Government had had a Bill of their own upon the subject. I want, however, to point out to the noble Lords opposite the difference between their case and the case of prior Governments. Prior Governments introduced their measures upon the subject, and laid them on the table of the House—so that there could be no misunderstanding, no exaggeration, no misrepresentation, as to what the measure was which the Government was prepared to support. The present Government, however, says that the position of the land in Ireland is extremely unsatisfactory. But in Ireland there are a number of persons who say the same thing — they know their own meaning, and when they see the declaration of the Government, and do not see any proposals showing how the Government mean to deal with that unsatisfactory state of things, they will be not unlikely to conclude that the Government means the same as they do. And what are the statements made by individual Members of the Government upon the subject? I find that a very eminent Member of the Government, now a Secretary of State, went down to his constituents at the late General Election, and stated that the state of Ireland was very unsatisfactory, and asked how they could expect it to be otherwise, when six-sevenths of the land in Ireland was owned by Protestants? That was the view of one Member of the Government with regard to the unsatisfactory state of things in Ireland. [Earl Granville: Where were the words used?] These words were used at Merthyr Tydvil by Mr. Bruce, previous to his appointment to be Home Secretary. And what did the Prime Minister say? He went down to South Lancashire, and, if he is correctly reported, he said that—"The system of Protestant ascendancy in Ireland is a great and noxious tree, which rears its head aloft and poisons everything within its reach; the Church is one branch of it, but the land," he said, "is another." Were those statements noticed in Ireland, or were they not? Was it not natural that those in Ireland who desire a change in the possession of the land should say — "The Government admits that the state of things in Ireland is unsatisfactory; we have an explanation from one Member of the Government of what he considers unsatisfactory; and the Prime Minister declares that the land question is connected with Protestant ascendancy; they only defer dealing with the land question till the Church question is settled—and the mode in which they propose to deal with the Church is to take away its property and give the Church tenants the option of buying the land at a price to be named by certain Commissioners; we have, therefore, not the least doubt that, if the Government told what was in their inmost minds, they would tell us that they intend to introduce a similar measure with regard to the land, and we shall do all we can to bring about that result." The consequence of that feeling is that dealing with the land in Ireland, in the shape of granting leases or otherwise, has been for the present suspended, and you have the commencement of an agitation in the country for which I must say Her Majesty's Government must be held responsible.

THE LORD CHANCELLOR: My Lords, it is undoubtedly a great satisfaction to me that, in the course of this debate, we have heard a speech like that which has been delivered by the noble Lord formerly Chief Secretary for Ireland (Lord Athlumney)—a speech which has tended in some degree to throw oil upon the troubled waters, and which presented a picture of peace and harmony that prevails, I doubt not, in the portion of the country with which he is familiar. Most devoutly do I wish that picture was equally true of the rest of Ireland. I do not pretend to say that the Government is abstaining or desiring to abstain during the present Session from bringing in a measure relying upon the state of Ireland being satisfactory; far from it. Twenty-one years ago, when I entered Parliament, I heard the first speeches of Mr. Sharman Crawford upon the subject. I do not know how many speeches he may have made—I heard six—or how many Bills he may have brought in; but from that time forward there have been attempts made to settle this question: and now we have just been told by the noble and learned Lord who has last spoken (Lord Cairns) that the pre-eminence he claims for the Government with which he has been associated is this—that they at least had a remedy, that they at least brought forward their Bill, that they at least submitted it to the consideration of Parliament; though they had not been so fortunate as to persuade Parliament to pass it. My attention has not been of late years so much directed to politics as it once was; but I believe I am not much mistaken in saying that one year the Government with which my noble Friend was connected brought forward a Bill with which they did not proceed, and last Session they promised a Bill which they did not bring forward. If that be the case, surely we are not placed at a great disadvantage as compared with our predecessors? But, my Lords, the question is of a far higher nature than the conduct of Government on one side or the other; and really if my noble and learned Friend had not made the remarks he did I should not have been tempted to make these observations. I do not deny the gravity of the case; I do not deny the importance of finding a remedy as speedily as you can, consistently with producing one which will be satisfactory. But when the noble Earl who spoke early in the debate (Earl Grey) told us we should be answerable for all the misery and mischief which might occur if we delayed legislation for another year; I do not think, after this delay of twenty or thirty years, the noble Earl can have fairly weighed his words in making the remark. Assuredly it is not desirable, in the state of mind which he pictures to us as existing in Ireland, to throw out words of this description, and to say to those who are disposed to be insubordinate and to disregard the law—"Never mind, you are not responsible; but the Government is responsible for all that you do." But it did not occur to the noble Earl to consider whether a measure which would not settle the question, and would not be satisfactory, might not be regarded by those who are dissatisfied as a mere mockery and a mere delusion, and whether the passing of it would not be tantamount to saying—"We know your grievances, and we believe them to exist; we have a measure before us which we will pass in a hurry, because we have not time to think of a better; and we will leave you to take your chance of any future complete measure for settling the grievances of which you complain." Anything more improper than such a declaration on the part of a Government I can hardly conceive. I join issue with my noble and learned Friend (Lord Cairns) who says the measure which the Government has on hand, and which has been demanded by majorities in England, Scotland, Wales, and Ireland, is a prelude to spoliation and destruction of property; but I will not be drawn into the discussion of that question. The noble Marquess (the Marquess of Salisbury) says he does not blame the Government for not bringing a Land Bill forward because he knows their time and attention is fully occupied by another subject; but he blames them for not coming forward and declaring what they think. My Lords, consider the injustice of this course. The Government unfortunately is not in the position of the noble Marquess; he can tell us what he thinks; but if the Secretary of State for the Colonies told the House what he thought, he must have told the House what was thought by the Cabinet, and must have stated the policy they would be prepared to follow when they have matured their measure. I must say it is not a fair course of proceeding to make such a demand. I am very far from charging the noble Marquess with unfairness in his ordinary proceedings, but I do not think it is fair on the present occasion so to deal with us. We are asked to take this measure as the basis for our legislation, and then we are told that the world will believe we are sincere in our declarations that we do not intend to interfere with the rights of property. I must confess that I, for one, do utterly and entirely protest against my character and my reputation depending upon whether I do or do not adopt the Bill of the noble Marquess (the Marquess of Clanricarde). It may be a good Bill, and I believe in many respects it is; I believe it to be a measure of which it is impossible to oppose the second reading; but I cannot assent to the conclusion that, because we do not oppose the principle of the Bill and yet say that it will not be complete and satisfactory, we are bound to point out all its defects and to state how we would propose to legislate. At this late hour I do not propose prolonging the discussion; but if we look to all that has been done before, we have no reason to be ashamed of the course we have taken. We do not find that any Government has taken up the subject in a satisfactory manner, and the late Government was far from attaining any such result. I do say that for any Government to bring forward a Bill on a great political or social subject which they have not maturely considered, and to throw it before Parliament and say—"We leave you to manage it, to digest it, and to put it into proper shape for us," is a course which never ought to be adopted. We prefer to consider maturely the proper course to be taken on a grave subject. We are not afraid of any of those taunts which have been thrown out to-night as to our being disposed to make some grievous attack on property, wherefore we ought to enter into bonds and give sureties for our future conduct; but we trust that our measure will be one which will receive the assent and approval of both sides of the House; that it will be accepted as a measure to promote the benefit and happiness of Ireland, and to put an end to the present state of things—an object the attainment of which ought not to be a party question, and in the pursuit of which there ought to be no party feeling.

THE MARQUESS OF CLANRICARDE, in reply, expressed his satisfaction at the manner in which the Bill had been received. He would not attempt any reply upon the observation that had been made, further than to observe that it was the duty of Government, above all things, to maintain peace, and he did not see that the present Government had taken a step in that direction. If the Government were really favourable to legislation on a constitutional basis, he entreated them to consider the propriety of supporting this Bill.

Motion *agreed to;* Bill read 2ª accordingly.

REFORMATORY SCHOOLS AMENDMENT BILL [H.L.] (NO. 63.) A Bill to amend the law relating to Reformatory Schools: And also,

INDUSTRIAL SCHOOLS (GREAT BRITAIN) BILL [H.L.] (NO. 64.) A Bill to make further provision respecting Industrial Schools in Great Britain:

Were severally *presented* by The Marquess TOWNSHEND; read 1ª.

LODGERS PROPERTY PROTECTION BILL [H.L.] (NO. 65.) A Bill to provide for the protection of the Property of Lodgers: And also,

AGGRAVATED ASSAULTS AMENDMENT BILL [H.L.] (NO. 66.) A Bill to amend the Aggravated Assaults Act:

Were severally *presented* by The Marquess TOWNSHEND; read 1ª.

House adjourned at Eight o'clock,
to Thursday next, half past
Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 20th April, 1869.

MINUTES.] — Select Committee — Inclosure Act, *appointed.*
Public Bills—*Ordered—First Reading*—Local Officers Superannuation (Ireland) * [87].
Second Reading—Militia * [82].

POOR LAW—GILBERT UNIONS.

QUESTION.

Sir MICHAEL HICKS - BEACH said, he wished to ask the President of the Poor Law Board, What progress has been made in the re-arrangement of the Gilbert Unions and other places with which the Poor Law Board were empowered to deal by Section 4 of the Poor Relief Act of last Session; and whether advantage has been taken in any instances of Clause 6 of the same Act, by which small parishes may be united for the election of guardians; and, whether he is taking any steps with a view to the consolidation of the Acts relating to the Relief of the Poor in England and Wales?

Mr. GOSCHEN: Considerable progress has been made, Sir, with regard to the dissolution of the Gilbert Unions under the Act of last Session. There were twelve incorporations; of these six have been dissolved. In the case of four others, orders have been directed to be issued for their dissolution; and as regards the remaining two, the Reports of the Inspectors have been received, and will be dealt with shortly. These dissolutions often give rise to very lengthy negotiations, and not unnaturally create considerable difference of opinion between town and county as to the mode in which the re-arrangement should be effected. As regards the second part of the Question, I have to state that the 6th clause, though of very general application, can only be acted upon at the annual election, and with reference to the circumstances of each union separately. The Board have had several cases under their consideration, but have not been able to settle them before the election that was held at the beginning of this month. They expect, however, to have brought the clause into extensive operation before the time of the next annual election. As regards the consolidation of the laws relating to poor relief, there is at present so much work on our hands at the Poor Law Board that we are unable to deal with that most desirable object; but I trust that in the autumn, when we have more time at our disposal, we may be able to attempt the task.

Colonel BOURNE said, he wished to ask the President of the Poor Law Board, If he has any objection to lay upon the Table of the House the Correspondence with the Evesham Board of Guardians on the subject of "placing out" orphan children inmates of the Union Workhouse?

Mr. GOSCHEN: I shall have no objection to lay that correspondence on the table.

SCOTLAND—SALMON FISHERIES.

QUESTION.

Mr. FORDYCE said, he wished to ask the Third Lord of the Treasury, Whether the Lords Commissioners of Her Majesty's Woods and Forests will provide a Return stating which salmon fishings in the rivers in Scotland are still retained by the Crown, and which have been granted to individuals by charters or other titles; and, whether in the case of those fishings which the Crown retains, the public may be permitted to angle with rod and line during the open season?

Mr. STANSFELD said, in answer to his hon. Friend, he had to inform him that the title to salmon fishing was not merely founded on grants from the Crown, but on adverse possession for forty years. From the fact of the uncertainty of these titles, it would be impossible to furnish the Return asked for; and it would be hardly consistent with the duties of the Commissioners of Woods to allow the public, in the case of those fishings which the Crown retains, to angle with rod and line during the open season.

VISITATION FEES.—QUESTION.

Colonel BRISE said, he would beg to ask the Secretary of State for the Home Department, Whether it is the intention of Her Majesty's Government to make any provision for the payment of "the Visitation fees" hitherto legally chargeable on Church Rates?

MR. BRUCE said, the attention of the Government had not hitherto been called to this subject. The case was one of considerable hardship. Even though no church rate had been levied the churchwardens were liable. In some instances churchwardens had paid the money out of their own pockets, and in others they had been compelled by law to pay it. The case was one of hardship, and worthy the consideration of Government, which it would receive.

IRISH CHURCH BILL—ORGANISTS.

QUESTION.

MR. O'REILLY - DEASE said, he would beg to ask the First Lord of the Treasury, Whether he is prepared to reconsider the question of compensation to organists under the Irish Church Bill; and, whether, as such appointments are for the most part for life, he thinks that one year's compensation is adequate to compensate for the loss of office under the provisions of the Bill?

MR. GLADSTONE: My best answer, Sir, to this Question will be to refer to the Notice of Amendment which I have given in the second line of the seventh page of the Irish Church Bill. I do not think it is correct to say that such appointments are made for life. They are generally made without special limit of time. They are tenable during pleasure, but not entirely of a precarious character. In certain cases their emoluments come out of the Cathedral fund—*non constat* that they will in many cases be at all affected; but it would not be reasonable or correct to say that their offices are freehold. The effect of the Amendment will be that the cases will be inquired into, and it will be the duty of the Commissioners to find where any person is deprived of any income derived from any property or fund vested in them by the Act, and to pay such further compensation as, in communication with the Treasury, they may determine. I hope that answer will be satisfactory. So far as the Government is informed, it is the best mode that could be adopted.

NAVY—"CROCODILE" TRANSPORT.

QUESTION.

MR. STACPOOLE said, he wished to ask the Under Secretary of State for India, If it be true that Her Majesty's Transport "Crocodile" lately left Malta for England nearly empty, while General Lysons and other officers and men whom she might have accommodated were waiting for passage home at the public expense?

MR. GRANT DUFF, in reply, said, it was within his knowledge that the *Crocodile* came home recently with no troops on board; but he knew nothing whatever of any application made on behalf of General Lysons, or of any officers or men for a passage in that vessel. Any application in the proper quarter for the accommodation of officers or men entitled to a passage at the public expense would, no doubt, have been complied with. It had not been the practice hitherto to allow officers to come home in the Indian Government vessels if they were not entitled to a passage at the public expense, but that practice might, perhaps, be re-considered with advantage in such exceptional cases as the hon. Gentleman's Question seemed to point to.

IRELAND—FUTURE STATUS OF THE IRISH CLERGY.—QUESTION.

MR. COLLINS said, he would beg to ask the First Lord of the Treasury, Whether, in the event of the disestablishment of the Irish Church, Bishops, priests, and deacons in Irish Orders will be able to officiate or hold preferment in the Established Church in England?

MR. GLADSTONE: Sir, this is a Question of very great importance, and I would not wish to be understood as giving, on the present occasion, an answer that can be regarded as perfectly final and complete. At the same time, it is quite obvious that it is a matter of great interest to many. First of all, with respect to those clergy who are ordained already, or who will be ordained, in the Irish Church before the period of disestablishment, as far as I am aware—or as far as the Government are aware—there will not be under the Bill, or under any statute, any disability whatever attaching to them either before or after disestablishment. Personally, we apprehend they will retain all the privileges and qualifications, with regard to employment elsewhere, which the clergy of the Irish Church possess at the present moment; and those I believe to be precisely the same as the qualifications possessed by the clergy of the English

Church. But, if it should appear that there is the smallest doubt upon the subject, I can even now say that we shall take care to make the matter perfectly clear, before the Bill reaches an advanced stage, so that there shall be no question at all of the full preservation of the personal privileges of all those clergy. The hon. Member has also asked me with regard to the clergy who shall be ordained subsequent to the date of disestablishment; and here I must not be understood to speak with the same positiveness, but I believe I am perfectly correct in saying that the general principle of the law in this country is that persons having received Episcopal Orders are qualified as far as the Orders are concerned, apart from other questions of life and doctrine, for clerical employment in England, unless where a statute is passed to limit or prevent that employment. Because it is upon record historically that, after the disestablishment of the Episcopalian Church in Scotland, in the commencement of the reign of William III., the clergymen of the Church were employed elsewhere, both in England and in Ireland, and certainly at least one Bishop of the Scotch Church became a Bishop in Ireland. When the Scotch Episcopalian Church made an effort to escape from the pressure of the penal laws enacted against it in the last century on account of its political affinities, ecclesiastical disabilities were imposed on the clergy in return, and they were absolutely disabled from officiating in England. Those disabilities were relaxed partly by an Act passed, in 1840, by Archbishop Howley, and partly by an Act passed in 1864. Another Act was also passed, I think, relating to the same subject as regards the American clergy, and there is a further Act regulating the status of the colonial clergy. It can only be after a careful examination of the language of all those Acts that it will be possible to state finally whether there is at present any statutable disability which would apply to the clergy of the Irish Church after the period of disestablishment. But I think it is quite possible that it may be right that, at some period or other, the attention of Parliament should be drawn to this subject with a view to the adoption of some more uniform principle than now prevails in our law with regard to the clergy of disestablished Churches. For the present, I cannot say that I know that there is any disability applying to the Bishops and clergy of the Established Church in Ireland consecrated or ordained after disestablishment. So far as those who take their status before disestablishment, I apprehend there is no such disability; but if we find that there is, it will be removed.

ARMY—MILITARY TRAIN.—QUESTION.

Mr. W. F. COWPER said, he would beg to ask the Secretary of State for War, Whether it is intended to alter the organization and position of the Military Train; and, if so, when the character of the intended alteration will be announced?

Mr. CARDWELL, in reply, said, that a change of that nature was now in course of progress under the Control department. The Warrant directing the constitution of the new Corps was now under the consideration of the Commissioners of the Treasury, and as soon as it had received Her Majesty's approval it would be made public.

CRIMINAL LAW—LIBERATION OF SIR EARDLEY C. EARDLEY.—QUESTION.

Mr. SCOURFIELD said, he would beg to ask the Secretary of State for the Home Department, Whether there is any foundation for a statement which has appeared in some of the newspapers, to the effect that Sir Eardley C. Eardley has been set free by his orders, on the application of one of his Colleagues; and, whether Sir Eardley C. Eardley is at present in this Country? For nearly twenty-one years it had been his (Mr. Scourfield's lot to hold a situation that brought him into communication with the Home Office, and he could speak with perfect confidence as to the general care and impartiality exercised in that office in cases of this description.

Mr. BRUCE: Sir, I might content myself by saying that for none of these statements is there the slightest foundation. But as insinuations have been made gravely impugning the impartial administration of justice, the House may require some satisfaction, and will, I hope, allow me to state rather more fully what are the real facts of the case. Sir Eardley C. Eardley was convicted of bigamy in January, 1868, and received a sentence of eighteen months' imprisonment with hard labour. About the month of July, application was made to the Home Office for a remission of his sentence, on the ground of ill-health. That application was refused. In the month of October following the application was renewed, with a medical certificate stating that Sir Eardley C. Eardley was suffering under grave disorders, and that his life would be imperilled by his continuance in prison. My right hon. Friend the then Home Secretary (Mr. Gathorne Hardy) not content with the ordinary certificate, directed a special inquiry to be made by Mr. Perry, the Inspector of Prisons. Mr. Perry made a careful investigation, and reported that the prisoner was at that time suffering from asthma and bronchitis, that he also had some symptoms of pulmonary complaint, and that on that very morning he had suffered from an attack of that most painful disease *angina pectoris*. Under these circumstances, in the case of an ordinary prisoner, it would have been the practice of the Home Office to release him at once; but my right hon. Friend only thought it to be his duty to allow this prisoner to be released on the condition of expatriation—that is, that he was to leave this country for the rest of his sentence. Immediately after my accession to Office I received an application praying for a prolongation of the fourteen days' time which my right hon. Friend had granted him to make preparations for leaving the country. I refused to grant an indefinite prolongation, but extended his leave by the fourteen days, and I received information that on the 7th of January Sir Eardley C. Eardley had left this country. I have every reason to believe that he has never returned to it, and that he is now abroad. With respect to another portion of the Question, whether the sentence was remitted on the application of my right hon. Friend the First Lord of the Admiralty (Mr. Childers), I am authorized to say that neither directly nor indirectly, through their common man of business, nor through any other person, did my right hon. Friend ever apply for the release of the prisoner. That statement has no foundation. It is one of those statements which, if made upon such authority against a private individual would be received, I think, with general indignation, and as made against a public man I leave it to the judgment of the House.

Mr. GATHORNE HARDY said, he could confirm what his right hon. Friend (Mr. Bruce) had stated with regard to the First Lord of the Admiralty. He had had nothing whatever to do with the release of the prisoner. The case was treated in the ordinary way, but with special care, as the Home Secretary had just stated. Under the special circumstances, he thought it was his duty to impose conditions with respect to the relaxation of the imprisonment.

THE NEW COURTS OF JUSTICE—SITE OF THE NEW COURTS.

RESOLUTION.

Mr. W. H. GREGORY said, he had just presented a Petition in favour of the Thames Embankment as the site for the future Law Courts, signed by 7,460 persons, at the head of whom was the Duke of Buccleugh, the High Steward of Westminster, the Dean of Westminster, the Archdeacon of Westminster; it was additionally signed by 366 members of learned professions, 131 editors, and 591 clerks. It had not been carried about for signature by touters, but had only remained for a few days at some of the Metropolitan Railway stations. There had also been presented a Petition, signed in their corporate capacity, by the Benchers of the Inner Temple—a similar Petition signed, in their corporate capacity, had been presented by the Benchers of the Middle Temple. No such Petition had emanated from the Benchers of Lincoln's Inn; they were far too enlightened and high-minded to set up their own pecuniary interests and infinitesimal convenience in the face of the rest of the community. This was the reply that he (Mr. Gregory) gave to the Petition of certain members of the Honourable Society of Gray's Inn, Lincoln's Inn, the Inner Temple, and the Middle Temple, presented by the hon. and learned Member for Richmond (Sir Roundell Palmer) in which he read the following audacious passage:—

> "That both branches of the legal profession have throughout been nearly unanimous in their adherence to the Carey Street site, as being beyond question the proper one; and that, as the funds have been, and are to be supplied by the suitors, it would be most unreasonable that the site should now be changed in opposition to their interests and wishes as expressed by their representatives."

Was not the hon. and learned Gentleman aware, too, that the Common Law Judges were supposed to be almost unanimous in favour of the Embankment? The whole opposition came from Lincoln's Inn. It was literally Lincoln's Inn against all England. Never was there a higher tone of superiority adopted than by these gentlemen. They first claimed for the legal profession the sole and undisputed right of pronouncing an opinion as to the site of the future Law Courts; and, having arrived at that opinion, they went a little further and declared they were the mouthpieces of that profession. The old Puritans read in their Bibles that the elect should inherit the earth, so they proceeded to vote *nemine contradicente*—"Resolved, that we are the elect"—and they then carried out the principle with much vigour and far more comfort to themselves than to others. Such had been the proceedings of the Lincoln's Inn gentlemen. They said, not ambiguously, that their pecuniary interests were affected by the immensely increased value which the Carey Street site gave to their property; and the convenience of the public, the credit of the country, the beauty of the capital of England, was nothing in their eyes. "We will resist every attempt at change," said they, "and we will do so as the representatives of the legal profession." These Petitions showed the baselessness of these pretensions. He (Mr. Gregory) by his Motion did two things; he pledged the House to the expediency of having the question of the site of the new Law Courts re-considered, and he pledged the House also to the opinion that the Thames Embankment—being now completed—offered advantages for the erection of these buildings. In employing the word "re-considered" he did not aim at a Committee or Commission of Inquiry. He thought the Government was in a position to re-consider and decide the matter at once and for ever, and that this debate and the vote which would be taken on it would make clear the opinion of the House of Commons. Another matter he also aimed at by the structure of this Motion, and that was that there should be no impediment to a portion of the buildings, if necessary, being placed in Carey Street, and a portion on the Embankment. That was the plan recommended by his hon. Friend the Member for Bath (Mr. Tite), and the advantages of it, as a matter of public and legal convenience, were set forth in a very able letter by Mr. Bennett in *The Times* some weeks since. Such were the views of the hon. Member for Cambridge University (Mr. Beresford Hope) who, on æsthetic grounds, longed for some lofty building or tower to carry the eye gradually up to St. Paul's. All those objects might be gained by this Motion. The building, which of all others might most easily be disconnected from the other Courts, would be the Probate and Registrar Office, which required a large amount of space, and which would naturally be embellished by those towers, so dear to his Friend the Member for Cambridge University, as depositories for wills. Great stress had been laid on the concentration of all the Courts and offices, and though he would be accused of violating that principle by his suggestions yet he entirely agreed in that view; but contiguity was concentration, and the fact of one portion of the law buildings being separated from the others merely by the width of the Strand, with a communication by means of a subway, so that the distance from one to another would only be a question of seconds and not of minutes, would not militate against the desideratum laid down by Sir George Lewis's Commission, but would completely carry out the spirit of it. He (Mr. Gregory), speaking his own opinion, would prefer this slight separation as tending more to convenience and certainly to architectural effect, than the huge legal town, the terrific pile of buildings, the very thought of which almost oppressed him as a nightmare; and, as a very great saving of expense might be effected were a portion of Carey Street and a portion of the Embankment selected for the new Law Courts, he thought this proposal worthy the consideration of the Chancellor of the Exchequer. Now he (Mr. Gregory) felt that he was fully justified in advocating re-consideration. The Government was called upon to advance an enormous sum of money, and the Government, now that this additional call had been made upon them, had a right to pronounce an opinion whether, taking all circumstances into consideration, better arrangements might not be made for the convenience of the public, and the embellishment of London. The Act of 1865 provided that the compulsory powers of the Act to take houses and land should not be exercised until it could be shown that the whole cost of the building—that is, cost of land, and structural expenditure from first to last, should not exceed £1,500,000. Of this sum £1,000,000 was to come from the Suitors' Fund, but the Government had to advance the balance of £500,000. It was now found that this estimate was quite below the mark; other offices had been added in addition to those originally contemplated. Parliament was asked for fresh powers to purchase land and houses to the extent of £700,000 more; and when the necessity for fresh approaches, for additional air and light was considered, it could hardly be doubted that the building and the improvements essential for the building would amount to a sum far nearer £3,500,000 than to the original estimate of £1,500,000. This new claim at once unfettered the action of the Government and gave them full power to look around and to ascertain if the original plan might not be altered, modified, or totally changed if necessary. Now, he (Mr. Gregory) contended that the Embankment site had never been considered. The only sites considered when the selection was made by Sir George Lewis's Commission, were the Westminster, Lincoln's Inn, and the Carey Street site. The Thames Embankment, in those days, was a mere dream. Men had no idea of the magnificent, stately river frontage which had grown up within the last few years, which offered vast space, air, light, access, and the noblest opportunity of redeeming London from the imputation of being the wealthiest and the meanest city, for its size, the world had ever known. As was well said in the pamphlet of his hon. Friend Mr. Baillie Cochrane, whose absence he regretted as having been the first Apostle of the Embankment—"If we had no public building for the Embankment we ought to invent one." Now, he (Mr. Gregory) was prepared to advocate the Embankment as the site for the future Law Courts on the ground of economy, convenience, and beauty, and he would deal very rapidly with each head. First as to expense. This was the first view of the balance-sheet—Money already expended, with law costs, &c., £850,000; additional land required, together with law costs, at least £700,000: total, £1,550,000. But this was not all—the Law Institution must be removed. The space between it and the Law Courts was only twenty-five feet, and it would be impossible, inasmuch as the new thoroughfare between the Strand and Holborn was to pass that way, that the immense traffic which would naturally be created could possibly be carried over a space which, when the *trottoir* was taken from it, would not be more than 13 or 14 feet. Mr. Street himself acknowledged this to be the case, and that the Law Institution must be removed. This would involve an additional sum of, at least, £100,000. It was almost a certainty that King's College Hospital on the north-west extremity would also have to go. The immediate proximity of this great building was a total interruption to light and air; and so close was it to the north-western end of Mr. Street's building, that he was obliged to cut off one angle of it to enable any separation to be made between the Law Courts and the hospital. But he (Mr. Gregory) although knowing well the demands that would be sure to come hereafter, would not include this item in his estimate. He would pass over to another item which was acknowledged by every one to be essential, and that was approaches from the west and from the east. Let them hear what Mr. Street said in the carefully prepared report accompanying his plans—

> "The noisy character of the Strand side will never be changed. It will always be the side from which the greatest number of people will approach the Courts; its use in this respect will be increased when the Thames Embankment and Metropolitan; Railway are completed, so that, as far as the public are concerned (including witnesses and jurymen), no doubt by far the largest proportion will enter on this side. We have also to provide for the arrival at the Courts of all the Judges and others who hold the highest situations among the officials. Most of them will come from the west, and to a great extent, owing to the overcrowded state of the Strand, they will come from the north-west, and so approach the Courts on the Carey Street site. It will be a great object, however, not to add at all to the noise of vehicles in Carey Street; and to this end it is essential in my opinion, that some important alterations should be made in the roads leading to the north-west angle of the site."

The cost of these four approaches advocated as "essential"—for that was Mr. Street's expression—was estimated by the most careful investigation to be far more above than under £1,000,000 — and they should bear in mind that approaches from "the west" alone were included in this estimate—approaches from the east in order to establish a proper communication with the City, from whence a large proportion of the business came, would also be necessary if the Carey Street site were adopted. It was true Mr. Street had now modified this opinion, but he (Mr. Gregory) pinned him to the word "essential" used in his report, and everyone who had to make their way on business to Lincoln's Inn must know that it was impossible to evade the making of new approaches, and the Government must be prepared to recognize this immense additional element of expense. But there was another authority. The report of Mr. Shields, the civil engineer, was laid before Parliament. He considered a new railway from Kensington to the Mansion House through Carey Street as almost necessary for the Law Courts traffic, at a cost of £3,760,000; but, whether the railway be adopted or not, he considered the opening of new streets to be absolutely necessary "to prevent such a blockade of the most essential thoroughfare of London as will prove intolerable to the public." His estimate of the new street so required amounted to £1,600,000. Thus they had for the site alone before a brick was laid —Money already expended, including law costs, £850,000; additional land required, £700,000; Law Institution, £100,000; approaches, £1,500,000: total, £3,150,000. Now if the Embankment site were taken, the cost per acre would hardly be more than the Carey Street land, for if the price of the land and houses close to the Strand were heavy the cost of land and houses near the Embankment would be comparatively small. But let them take it at the very highest estimate, and suppose that the whole block of ten acres be purchased at £150,000 an acre, that would give a sum total of £1,500,000 against the lowest estimate of £3,150,000 on the other side, a saving to the dearly beloved suitors, or, more probably to the dearly beloved Chancellor of the Exchequer, of £1,650,000. But if his (Mr. Gregory's) suggestion was taken, of using a portion of the Embankment and taking at the same time a portion of Carey Street, the saving would be infinitely greater. It was perfectly clear that no approaches were required for the Embankment. There was a wide and spacious drive from the west, there was the Strand access from east and west, there was the river and its steamers landing passengers at the door of the Courts, there was the Metropolitan Railway conveying them thither, from east, west, north, and south, without block, congestion, or inconvenience to the general traffic. All the cost had already been incurred as if for the express benefit of such a structure. The only allegation on the other side of pecuniary advantage was this—that a loss of £500,000 would be incurred on the ground already purchased. Now, as that ground cost but £800,000, it was a curious statement that only £300,000 was the value of the land, and that a loss of £500,000 would arise. But the whole allegation was utterly false. A gentleman in the highest rank as an architect told him, three days previously, that he would take the ground off the hands of the Government to-morrow at the price paid for the land irrespective of compensation for trade interests. Now, the trade interests—except in the one well-known case of Mr. Holloway, the pill-maker—could not have been very great in the rookeries swept away, except compensation were given for immoral traffic, in which case it might have certainly been high. But let the House once pass a Resolution that the Law Courts should be built in close contiguity with this clearing, and he (Mr. Gregory) was informed, on most unquestionable authority, that the demand for this ground would be prodigious—that it would nearly double its value in consequence of the erection of the most profitable of buildings, namely, law chambers, and that a gain rather than a loss would be obtained. An admission of the Incorporated Law Society confirmed this view, for in pleading for immediate proceeding they stated that the additional land required adjoining Carey Street had already risen in value £50,000 in one year. He (Mr. Gregory) therefore, peremptorily refused to debit the Embankment site with the loss of 1*s.* on account of the ground already acquired at Carey Street. Next he came to the question of convenience, and in that he must consider the convenience not merely of lawyers but of the public—the suitors, if they chose to call them. Now, as regards the legal profession, surely if a balance of convenience were to be struck, the convenience of the great body of lawyers in the Temple might be placed against the inconvenience of the lawyers and solicitors of Lincoln's Inn. But there could be no inconvenience to either; there would be a subway under the Strand, and an electric bell in the different chambers would bring the counsel from his chamber in Lincoln's Inn to the Court with ease and safety in three and a-half minutes. Out of curiosity he had walked that day from New Square, Lincoln's Inn, to where the Courts would be in the Embankment. He had not raced nor hurried, but had gone over the ground with that dignified composure which so befitted, and was so characteristic of, Members of this honourable House. It took him exactly four minutes, twenty seconds, and when he compared his mode of progress with the quick cheerful step of a prosperous solicitor, so well-known to everyone, —and all Lincoln's Inn solicitors were brisk and cheerful—the time occupied would be less by several seconds. He was particular about these seconds, for the Carey Street party laid great stress on them. This was their actual argument in black and white—"We, the solicitors and clerks of Lincoln's Inn' make 18,000 visits a day to the Courts. If you move the Courts fifty yards nearer the Thames, it follows that an additional walk of 600,000 yards will be entailed—conceive the wear and tear of legal shoe leather, all of which must fall on the suitors." That was a terrible menace to the suitors, but they might be consoled by reflecting that they would gain in the saving of shoe leather as regards the distant inhabitants of the legal regions; for, no doubt, once the Carey Street site was left open to be built upon for law chambers, the members of the legal profession would flock in from the far off regions of John Street and Bedford Row to the contiguity of the Law Courts. Mr. Whitmore, Treasurer of the Middle Temple, had written to him an admirable letter on this subject, which he would quote—

> "The distant solicitors may be immense gainers, as would their clients and others, in one event, if the land now purchased were to be re-sold and made available for chambers and offices. That such an employment of it would be highly profitable, no one can doubt who takes the trouble to inquire what are the rents freely given for chambers in the Temple; and what a noble income is obtainable from say ten sets of chambers opening upon a single staircase. Nor would the same inquiry fail to show him how large a demand—aye, how large and urgent a need—exists for such accommodation. There are, at the present moment, some 140 names of applicants on the books of this society for chambers, which it is impossible to supply; and the want is equally great, or greater, for decent offices for solicitors in a central position. These, at present, are not to be had; and, in their absence, the legal practitioner is compelled to plant himself at a distance, and occupy inconvenient rooms in second-rate localities, unapproached by public vehicles, and hardly discoverable by cabmen. These denizens of Bedford Row, John Street, and such northern regions, or even the more fortunate possessors of cupboards in Southampton Buildings, Quality Court, not to say Chancery Lane itself, would be glad enough to exchange darkness for light—eight-foot square for a space in which they could move and breathe, commodiously stow away their papers and deed-boxes, dispose of their clerks, receive their clients —and all this in a locality lying midway between the great Inns of Court, and close to the Courts of Law. I cannot imagine a greater boon than would result to them from the opportunity thus given of obtaining suitable places of business, in lieu of the miserable holes in which they are now, perforce, compelled to practice."

In short, wherever the carcass was there would the eagles be gathered together. As regards the legal profession to the west and to the east of Carey Street, there could be no doubt of the superiority of the Embankment on the score of convenience—and they, as living far away from the New Palace of Justice, were the portion of the legal community who should most be consulted. The real and best concentration that could be effected for the legal profession would be to enable them to cluster round the Courts. The real inconvenience which they suffered was being dragged from their chambers and having to wait their day in Court instead of being summoned only when wanted and being left to do their work when not required. That was the whole story. Give the Embankment to the Law Courts and Offices, and Carey Street for lawyers' offices, and they would be then effecting the greatest possible convenience to the legal profession, and effecting a real concentration; but by adhering to Carey Street for the Law Courts, all this great convenience would be lost to the legal profession. Let them hear what Mr. Webster, the great champion of Carey Street, says must be done before that site is endurable. At a meeting of the Jurisprudence Department of Social Science, on the 23rd of March, Mr. Webster, Q.C., read a paper on the advantage of Carey Street, and made this admission—

> "Let anyone having experience of the present state of obstruction in the great eastern and western arteries of the metropolis—Holborn and Fleet Street—consider what would be the effect of quitting the Palace of Justice during these hours—an intolerable nuisance—an unjustifiable aggravation of present inconvenience. Carey Street must be extended to Farringdon Street to the east, and to Covent Garden to the west."

And then he proceeded to say what would be necessary to be done in addition for the accommodation of lawyers, even when this additional street extension had been obtained—

> "The congested state of the Strand and Fleet Street and Holborn may be relieved of all traffic due to the Law Courts by proper communication to the east and to the west, and by subways under the Strand near St. Clement's Church, under Fleet Street near Chancery Lane, under Chancery Lane near Roll's Court, under Sergeant's Inn, and under Holborn near Gray's Inn."

Why, the learned Gentleman seemed to think it would be necessary, if he got Carey Street, to turn it into a kind of rabbit burrow, and, perhaps, one of the future London amusements would be to see the lawyers in wig and gown bolting out of their holes like rabbits on a mild May evening. What with Mr. Webster's rabbit holes, and Mr. Street's lift to send up the unfortunate Judge like a Jack in the box, he must say the Carey Street advocates were obliged to have recourse to the most extraordinary expedients to make their site even possible. It was thus perfectly clear that, as far as regards the legal profession, the Embankment would bring with it convenience and advantages which would be all sacrificed if Carey Street were retained. Then as to the convenience of the suitors. Nothing was more amusing than the way in which the suitors were referred to in these Lincoln's Inn solicitors' documents and petitions—they claimed the suitors as their property; they were jealous that anyone should have anything to say to them but themselves. They looked on the suitor as being created expressly by Providence for Lincoln's Inn attorneys, just as Brindley regarded rivers as things created solely to feed navigable canals; or as ants are said by naturalists to claim and fight for certain other little insects which they stroke with their antennæ and get juice from. But who were the suitors? Why every one was a suitor either "in *esse* or in *posse*." The public were the suitors, and could any one deny that the Embankment was more convenient to them than Carey Street? It was reached by a railway in direct communication with the stations of the Great Northern and Great Western railways, with the Waterloo and Victoria stations, thus bringing passengers from north and south to the door of the Courts. Steamboats were also constantly calling at its pier. All these advantages were not enjoyed by Carey Street, which could not be approached from the north, north-west and east, without fresh openings at enormous expenditure. Then as to air. Surely the air from the river and the open grounds of the Temple and Somerset House was to be preferred to the balmy gales from the rookeries and tripe markets of Drury Lane. As to light. Let them turn to Instruction 23, given by the Commission to the competing architects—

> "For the interior of such a building, and in such a locality, a requirement of the first magnitude is abundant window light. It will be next to impossible to give too much to any of the offices."

But where was this light to be obtained in Carey Street, with two great buildings like the King's College Hospital and the Law Institution shutting out the light to east and west? And was there any reflector that art could suggest equal to a wide river? Then, as to quiet. Let them turn again to the Instructions to the architects. Instruction 25—

> "But while the question of a sufficiency of light is of great importance, a necessity of almost equal urgency is quiet."

But could there be greater quiet than the silent highway of the river to the south, and the repose of the Temple and Somerset House to east and west? Whereas Carey Street site would be surrounded by incessant and ever-increasing noise. Thus as regards convenience to lawyers, accessibility to suitors and the public, air, light, and quiet he (Mr. Gregory) thought there could be no difference of opinion as to which site possessed them most. Another great object might be obtained if Carey Street be rejected. Everyone felt the want of a large thoroughfare between Holborn and the Strand. That could be at once effected, at very slight expense, by opening Little Turnstile, carrying the roadway by the east side of Lincoln's Inn and through the middle of the Carey Street site into the Strand—but if that site be covered with Law Courts and offices, how could this great convenience be obtained? There was one objection only to the Embankment site which he would here notice — that, though it was admitted to be large enough for all the Courts and offices at the present time, yet that hereafter more space might be required, and that it could not be obtained. That was one of the main objections in the Lincoln's Inn Petition, and the remarks circulated that day among Members. The best answer to this objection was this —that the tendency of Law Reform was all towards reduction of offices and Courts rather than of expansion. If the recommendations of the Judicature Commission, which were just published, were acted on, a vast saving would be effected, and, in consequence of these recommendations, he (Mr. Gregory) doubted if this huge pile of buildings would be required. A suit would have its beginning and its ending in one Court, and the multiplicity of judicial centres would come to an end. The Report proposes the merging into one Superior Court of all the Superior Courts of Law and Equity and even of the Court of Admiralty—and thus a great saving in money and in space required would be gained.

There was one matter before leaving this branch of the subject to which he (Mr. Gregory) must allude, for it was most important, and he begged to call the attention of the Lord Mayor to it. Has that eminent City functionary at all considered, if the Carey Street site be maintained, what will happen to that great artery, the Strand and Fleet Street, which opened his dominions to the south-west? Had he thought over the inevitable virtual closing of these streets for six or seven or possibly ten years, from the enormous mass of materials which must be conveyed over them, during the construction of this huge building? But nothing of the kind would happen if the Embankment were selected; all the materials could and would be brought by water. He would not argue all the intricacies of structural convenience, but he would be content to quote the opinion of a gentleman, who of all others was best entitled to speak on that head, because he came out the first of all competitors as regards the arrangements of the Courts, and, of course, he could form a better judgment thanany one as to the architectural advantages and conveniences of each site. Mr. Barry thus writes—

> "As regards our Law Courts, there can be no question a great central building flanked by the Temple on one side and Somerset House on the other is the only way of satisfactorily settling this question. The present site is altogether bad. It is noisy and inconvenient as to levels. Long before I came to the end of my arduous labour on the plans, I came to and expressed this conclusion, and the examination of the plans of the other competitors only strengthened my conviction. Speaking as one who has devoted himself to the details of the question, and whose designs have been admitted to be best for light, air, &c., I can most positively affirm that to attempt to provide the specified accommodation on the present site cannot be otherwise than a failure."

Now he turned to the subject of delay— an impression prevailed and an outcry had been raised that if, after so much had been done, the site were changed, great loss of time, of years perhaps, would ensue. But nothing was more fallacious. If this Resolution passed, a Bill could be passed this year and notices served, just as a Bill must be passed and notices served, before anything could be done at Carey Street. The new site would have quite as good a start as the old one, and on this point he appealed to his right hon. Friend the First Commissioner of Works, for he (Mr. Gregory) knew that if that objection were removed there were many hon. Gentlemen who would not hesitate in supporting him.

And now, before sitting down, let him say a few words as regards what might be called the æsthetic portion of the question. He (Mr. Gregory) had reserved this to the last, for had he been unable to prove that on the grounds of expense, accessibility, air, light, and repose, the Thames Embankment was superior to its rival, he could hardly have ventured to propose it for the acceptance of the House on the ground of the adornment to London which would be secured by its selection. No one could deny that the Thames Embankment was a noble site fit for any building in the world. The curve between the Temple and Somerset House would add to the beauty. Conceive a building such as Greenwich Hospital, with open courts and vistas, filling up this space. Conceive Greenwich Hospital away from the river, and buried in the back streets of Greenwich, and then they might conceive what the Palace of Justice would be buried in the rookeries of

Drury Lane. It was plain that considerations of beauty had largely influenced the decision of the Judges, because, if it had not, why should they have not have adopted Mr. Barry's plan, which was acknowledged to be first as far as fitness and arrangement, instead of Mr. Street's, which was selected from its architectural composition. Now, he asked the House, were they going to allow that splendid façade to the river to be disfigured by leaving it occupied by brick and timber yards, or still more disfigured by the erection of contractors' buildings? He (Mr. Gregory) was not without hopes, if he lived some ten years more, of seeing the present empty space along the whole sweep from the Palace of Westminster to the Temple covered with noble public buildings. Let him read one more passage from Mr. Whitmore's letter, which was so admirable that he could not afford to omit it. Mr. Whitmore said—

> "In truth, take it how you will, it is really a question for posterity. Few of us who are now battling it can hope to see the judicial work of the country, or hear future trials between Saurins and Stars, in either of these localities. The elderly gentlemen who are so animated in the solicitor's statement will be gone, and, alas, unremembered, when this mighty fabric will be reared and occupied; but their successors will have to criticise their acts and opinions. And what will those successors—that posterity—say? I wish that others, like myself, were called upon to traverse the bridges that span our river between Westminster and Blackfriars. From either of these let any one with a grain of intelligence, with a particle of taste, look down upon the gap now dividing Somerset House and the Temple. Let him figure to himself this gap filled up with some appropriate continuation of Somerset House facade, or, on the other hand, cut up into fragments, and filled with inharmonious specimens of private speculation, and what conclusion will he arrive at?"

Why, the conclusion he would arrive at was this—that those who ruled England, in 1869, were devoid of shame and insensible to beauty—that they cared nothing about their city being the most mean and dingy in the universe. But it was not so. He never knew the House of Commons to be ungenerous as regards money, or careless about the aspect of their city, so long as they thought the money was well spent, and not either wasted or applied rather to the disfigurement, than the adornment of London; and he was convinced—now that he had laid the case before them, and had shown them that vast sums would be saved, innumerable difficulties overcome, and the whole aspect of their river front beautified and adorned—that they would aid him in giving effect to the Resolution which he was about to move.

Motion made, and Question proposed,

> "That, in the opinion of this House, it is desirable to reconsider the question of Carey Street as the site of the New Law Courts, inasmuch as the Thames Embankment, between the Temple and Somerset House, now offers many advantages for the erection of such buildings." — (*Mr. W. H. Gregory.*)

SIR ROUNDELL PALMER said, that he could not venture to follow his hon. Friend in those high flights of fancy and imagination in which his hon. Friend had indulged in the course of his very humorous speech. His own views on the subject were plain and prosaic, and he trusted to be able to give the House some reasons for believing that it would be more safe to follow those views than the flights of imagination and the humorous fancies of his hon. Friend. His hon. Friend began his speech by puffing, it might almost be said, the Petition which he had presented, and which he assured them was the spontaneous emanation of a great number of unsolicited British citizens, who, by some attraction not to be explained otherwise than by the fact that they had been led by their overpowering convictions, had been brought together to sign that Petition in favour of the Thames Embankment site. It appeared, however, that among the number of those who signed the Petition there were very few barristers or solicitors. He was told by an hon. Member near him that this same Petition, so spontaneously signed, had been for some time past lying at every railway station of the Metropolitan Railway, where there had been in attendance at least one person at each station, duly and diligently employed in soliciting everybody who went there for his signature to the Petition. That, at all events, tended to show that the House would be mistaken if they supposed that there were not some people who had taken considerable pains to get up the Petition. His hon. Friend had said that the opposition to the proposition to build the new Law Courts on the Thames Embankment came from Lincoln's Inn, which advocated the Carey Street site. The truth was that the members of Lincoln's Inn opposed the Carey Street site when the Act of Parliament was passed, that body having a site of its own for the Equity Courts, which it preferred, and it was in the interest of the public that the Carey Street site was selected. Of all the unprofitable debates that occurred in this House, he thought the debates got up by those whom his hon. Friend had described as *dilettanti* gentlemen were the most unprofitable; and he wished to know whether his hon. Friend spoke in the interest of these *dilettanti* gentlemen, or whether he spoke in the interest of the practical and prosaic solicitors, whose main business it was to deal with the administration of the law, and who knew what its wants were, and who, if they were honest men, would consider the interests of their clients as well as their own. To which of these classes was it that we owed the fact that, at this moment, the Legislature had determined to have a concentration of these Courts? The true secret of the Motion was contained in the few words which his hon. Friend had quoted from the gentleman whom he called the Apostle of the Thames Embankment (Mr. Baillie Cochrane)—"If a public building were not ready for the purpose, they must invent one and put it there." And so the administration of the law was to be the *corpus vile* on which this experiment was to be made, and then reasons must be pressed into the service to demonstrate how utterly ignorant the solicitors and lawyers were of the business in which their lives were engaged, how certainly they were mistaken, and how every consideration combined to recommend the Embankment site, for which "if there were no public building ready, they would have to invent one." The real history of this question might be summed up in a few words, and he must say that there was scarcely a statement made by his hon. Friend which was not erroneous in respect either to facts or to opinions. One of the most remarkable facts of his hon. Friend was that this question of the Thames Embankment came now before the House as quite a new one. Now would the House believe that it was really the case that the Thames Embankment was proposed as a preferable site for the New Law Courts, and debated upon its merits in that House, before the Act of 1865 was passed, and before 1*s*. was laid out on the purchase of the Carey Street site? At that time, when there had not arisen this inflated structure of architectural fancies, it was rejected by the House on its merits at the instance of the then Government, almost all the Members of which were now sitting on the Treasury Bench; Parliament being of opinion that the Carey Street site on the score of public convenience was preferable. Those solicitors, who were supposed not to know anything about the matter, were the first to stir the subject of the concentration of the Courts in that House in 1833. A Committee on the subject was appointed in 1842; a Royal Commission, presided over by Sir George Lewis, was issued, in 1858, and it reported in 1860 in favour of the Carey Street site. It was true that at the time that Commission reported the Thames Embankment was not in existence, as it was not till 1862 that the Act was passed to make it; but Parliament did not legislate on the Report of the Commission until 1865, at which time the Act to make the Embankment had been passed three years, and both the Thames Embankment and the Carey Street site were then *tabulæ rasæ*, with respect to which Parliament was able to exercise an unprejudiced judgment. In passing from the subject of the Report of the Commission, he could not help expressing regret and disappointment at the success which had attended, to a certain extent, the efforts made to induce the residents in the Temple, to whom, in point of local convenience, the Embankment site and the Carey Street site would be much the same, to separate from the rest of their profession on this question, and to support the Embankment site. He regretted that circumstance all the more, because that was not the spirit in which the Chancery practitioners acted when the site of Lincoln's Inn Fields was in question. The Lincoln's Inn Fields' site would have been more convenient to the Chancery practitioners than the Carey Street site; but, for the sake of general convenience, and the proximity of the Courts to all classes of practitioners in the law, it was thought wrong to choose a site more remote from the Temple, even though it would have been more convenient to other members of the profession from its proximity to Lincoln's Inn. The whole legislation on this subject had been proposed on entirely practical grounds. It was feared by some that greater expense would be incurred than was desirable by the adoption of costly designs of architectural beauty; but it was not the purpose of the Government of 1865 to sacrifice practical convenience to any considerations of an architectural character. The choice of the site and the adoption of every other measure were determined by reasons of practical convenience. That was the primary condition, and the Commissioners' Report stated, and Sir Charles Trevelyan in his pamphlet expressed agreement with the statement, that—

> "In speaking of concentration, it was necessary to include not merely that of Courts with Courts, but of Courts with their offices; and, in a larger sense, with the chambers of the Bar and the offices of the attorneys."

It was necessary, for the sake of economy of time and the dispatch of business, to bring the Courts into the best centre of the legal business and population, and that could only be effected by putting the Courts in such a position as they had been most fortunate to find in the Carey Street site, midway between the Temple and Lincoln's Inn, not so far from either as to make attendance in the Courts irreconcilable with access to the chambers of barristers, and conveniently accessible, without the constant crossing of great thoroughfares, to the great body of the general practitioners of the law. His hon. Friend was mistaken in supposing that, let the Courts be put wherever they might, the practitioners would go and establish themselves near them. When the Courts always sat at Westminster, the members of the Bar continued to have their chambers in the Temple, Lincoln's Inn, and Gray's Inn, and did not move up to the Courts. He must say that it seemed to him strange that the whole legal profession should be expected to shift their quarters to wherever Parliament might choose to place the Law Courts. Experience had shown the contrary; and it was, therefore, that the Commissioners recommended that the Courts should be put in the most convenient central position in the legal quarter, where they would be most readily accessible to the barristers of the Temple and Lincoln's Inn, and to the solicitors inhabiting that district, and at least as conveniently accessible as any other site would be to those who were at a greater distance. He would remind the House of some of the practical inconveniences which would arise from any error in this respect. The difference of a quarter of a mile might make the difference of a loss of whole days to the suitors. When the Courts sat at Westminster what happened to the business of suitors which had to be transacted at Lincoln's Inn and the Temple—such as preparing pleadings, advising cases, consulting books, &c.? All had to be delayed for weeks—sometimes even for months, on account merely of the barristers having to dance attendance in Court, waiting for cases coming on, many of which did not come on; and that happened more especially to juniors, who had perhaps little business in Court, but which little they could not neglect. How did that affect their clients? They paid for it all, over and over again. This was no inconsiderable source of the delays in Chancery; bills of costs were enormously swollen in consequence, and no doubt what was said by the witnesses about it was quite true. Mr. Lake gave remarkable evidence on that subject. He said the suitors would save ten times more than the amount they would gain if all fees were taken away by the saving of time which the concentration of the Courts would make. And Mr. Field said it would be difficult to find a dozen solicitors, in or out of town, and having anything to do with the transaction of business at the Courts, who would not agree that such a result would be a great gain to their clients. Lawyers, speaking on this subject, were dealing with matters which they must understand, although some *dilettanti* gentlemen thought they understood the business better. [*A laugh.*] He said lawyers must understand this matter. He was perfectly certain that the change from Carey Street to the Embankment to barristers having chambers in Lincoln's Inn and those living north of that would occasion a very important loss of time, entail delays of a very serious character, and render it impossible for them to go freely backwards and forwards between chambers and the Courts. To many whole days would be lost, just as if the Courts were at Westminster; and there were many who thought the whole benefit of the concentration of the Courts would be lost. Such was the sacrifice they would have to make to what he might call this demon of good taste. Yet there was a genius of good taste who might be conciliated. It was a false taste, not real good taste, that demanded this sacrifice from them. To those who lived in the Temple the change might make little difference, it might even be an advantage to some; in point of distance, it would make no difference in favour of the majority of them—but he admitted that individually they would not probably be worse off. But he had said this was no new question—and he was going to prove it. He hoped his hon. Friends on the opposite Benches would attend to what he was about to read, even if some of those around him might not be moved. Because not only was he able on that occasion to appeal to the authority of Lord Palmerston's Chief Commissioner of Works the Member for South Hants (Mr. W. Cowper), who, he had reason to believe, had not changed his mind on this subject; and he believed also, that the present Lord Chancellor had not changed his opinion; he believed that the First Lord of the Admiralty, who had been a working member of the Commission, had not changed his opinion; he should like to know whether any of those on the Bench below him had changed their opinions? He believed the opinion of the Lord Chancellor, who had been well acquainted with this question for years, was the same as ever, and if he was wrong he had no doubt he should be told so; and he must confess he could not take the opinion of a man of taste in preference to that of men thoroughly conversant with the business and requirements of the law, who were also working members of the Commission. But he had not only to claim attention to these men's opinions, and to the opinion of the Member for South Hants—the father of the Thames Embankment in that House, and certainly as desirous as any other man to adorn it —he had to claim the attention of hon. Gentlemen opposite to the words he was about to read of one who must be held to be a considerable authority with them, and who uttered those words certainly with strict impartiality so far as any party considerations were concerned, if it were possible to suppose that such a question as this had any party bearing. He referred to the present Lord Cairns. The question was debated on the 30th of March, 1865, on a Motion of Mr. Lygon to re-commit the Site Bill to the Select Committee, with an Instruction that they should inquire into the capabilities of the Thames Embankment as a site for the proposed edifice; and on that occasion Sir Hugh Cairns said this—

> "I believe I express the opinion of the great mass of hon. Members present, as well as my own, when I say that I trust the Government will not accede to this Amendment. I have not the least doubt that it has been brought forward in an earnest desire on the part of my hon. Friend that every consideration should be given before so important a step is taken as the selection of a site for this great building. But the House must observe that to carry this Amendment will be equivalent to the defeat of this measure for the present Session; and in a future Session no one can venture to foretell what may happen. But even suppose at this period next year we may get to this stage, who is to say whether hon. Members may not get up and propose inquiry into a third site, different from Carey Street and the Thames Embankment, which no one thought of in 1865? We shall then be in the same position as we are now. I confess I was anxious to hear from the two hon. Gentlemen who supported this Motion what are the reasons of greater convenience to the public on which the proposal of the Thames Embankment site rests. I did not hear them. No doubt the hon. Baronet (Sir John Shelley) says it would be a fine thing to have the ornamental facade of the Palace of Justice fronting the river. That may be; but the great consideration which puts Parliament in motion is the great inconvenience of the present arrangements; and the question is—Which site will be most suitable for the purpose? Can there be a doubt as to what will be most convenient to the public? The hon. Baronet talks of lawyers; but who are the lawyers on this question? They are the great body of the solicitors of London, who transact not only the legal business of London, but the legal business of the whole kingdom; and on what ground do they prefer the Carey Street site? Because on all sides in the immediate neighbourhood north of that locality they have their offices, and they could not get the same accommodation elsewhere —therefore, they say, give us some central Courts of Justice, which we can get at without going very far from our own offices, for our time is that of our clients. Then, on the south side of the Carey Street site is the Temple, where the barristers say the very same thing. Carey Street, then, stands exactly in the centre of these two localities, and would obviously be most suitable as a site for the proposed Courts."—[3 *Hansard*, clxxviii. 493-4.]

He (Sir Roundell Palmer) was at a loss to understand what new element they had now introduced into this question which did not exist in 1865. Was the opinion of the solicitors different? The hon. Member for Galway (Mr. W. H. Gregory) did not pretend to say they were not nearly unanimous on the subject. He believed that in the Incorporated Law Society there was absolute unanimity, or the very nearest approach to it, on this point. They said this—

> "The site is so obviously the best, and combines so many advantages possessed by no other site, that no one really competent to form an opinion on the subject, and looking only to the interests of the suitors, who are to pay for the whole, could for a moment think of proposing any other site. The suitors are in possession of the site, which was granted to them more than three and a-half years ago, by the authority of Parliament; and it is admirably adapted to their needs. The abandonment now of this site would involve an absolute sacrifice of not less than £500,000, and to compel them to give up this site, and to pay for another in no way adapted to their wants, would be one of the most oppressive and unjust proceedings that could be conceived."

It was true that a considerably larger expenditure was now contemplated for the Carey Street site than that which was originally submitted to Parliament. When the Bill was introduced, in bringing in which he was the organ of the Government, the estimate was that the area of the Carey Street site would be, in round numbers, seven and a-half acres, and the cost £750,000, and as much more, it was judged, would suffice for the erection of the necessary Courts and offices then in contemplation, the plan of which was laid before the Select Committee. The ways and means were, at the same time, to be provided entirely out of legal funds, which, it was proved, were disposable by Parliament, and which had accumulated in the Court of Chancery from the management of the monies of the suitors. It was no doubt perfectly competent to the Legislature to deal with those funds; but it had hitherto shown no disposition to treat the funds in question otherwise than as properly applicable for the better administration of justice. These funds would otherwise have gone to reduce the fees payable by suitors, and a longer continuation of these burdens was submitted to for the sake of this greater benefit. There was an additional sum of £200,000 to be contributed by the public as the value of existing sites of which they would obtain the use, or which they might dispose of; and a further sum of £400,000 to be advanced by the Government to be re-paid in the course of years by means of fees to be levied upon the suitors in other Courts which did not contribute to the first sum. There was a belief that the work could be accomplished at this cost, but as the Bill passed through the House two things were done which resulted in an enlargement of the scheme. One was that on the part of the Temple, especially, it was insisted that it was desirable that the Government should not retain in their own hands the entire and exclusive control over the execution of the plan; but that, on account of the immense importance of making it as well as possible adapted to the administration of justice, a Commission should be appointed to confer with the Treasury and advise them as to the plan of the building to be adopted, and as to the best mode of executing the work. A very numerous Commission was accordingly appointed, consisting of very eminent persons—Judges, representatives of the Bar, solicitors, and officers of the Courts. The Commission was so numerous that it could not have been expected to work so harmoniously as it had done; and it was only naturally to be expected that in the discharge of their duty the scheme should undergo some development and modification at their hands. That was not all, for a clause was inserted during the passage of the Bill through Parliament, which provided not merely that those Courts and offices which it was the original plan to concentrate should be erected, but that it should be competent to the Treasury and to the Commissioners to consider whether other buildings might not, with public advantage, be added, and also what approaches and accesses it might be expedient to construct which had not been provided for by the scheme. There was, however, no reason to suppose that if there had been no enlargement of the original design necessitating an enlargement of the site the estimate of the expenditure need have been exceeded. It was true that the plan now proposed by Mr. Street for a greatly enlarged building was one which deviated in part, though not to a great extent, from the original site; and no doubt Mr. Street's ultimate estimate of the expense of the work would be about double the sum which had been originally contemplated. It should, however, be recollected that at first provision was not made for a magnificent architectural work, and it was admitted that if that was what the country wanted, no person could undertake to tell what would be its ultimate cost. He had now to state how it was proposed by the Commissioners to provide for the additional expenditure which would be required for a magnificent pile of buildings, and which the Commissioners estimated at £3,250,000. In that sum was included the cost of several acres of additional land to be obtained adjoining to the Carey Street site: a considerable part of which it was proposed to acquire only for greater convenience of access, and for light and air; and much of which might afterwards be so employed, as in the end to repay a great part of the money laid out in obtaining it. The late Board of Treasury saw no reason to doubt that the whole of that outlay might be met by means of legal funds which had accumulated in the Courts of Law, and which might be appropriated for that purpose without doing a wrong to any one, or endangering the public faith with the suitors; and by a surplus of fees which, under an Act of 1867, had been specially dedicated to the re-payment of public advances on that account, and also by a small fee of 1*s*. per £100 proposed to be imposed on probates and administrations in the case of every property above £100. The Commissioners satisfied themselves that these charges would not be sensibly or appreciably felt by those on whom they would fall, and who benefit by the new Courts. If the present Government disapproved that proposal, it might be right to confine the plan to its former narrower limits, and to refuse the means; but the House would see that it was not proposed to lay upon the general public a single fraction of the charge at the increased rate that was now proposed. Having stated this, he now had to deal with some of the views involved in the counter scheme. The first difficulty in dealing with this proposal was that it was altogether *in nubibus*. It had been put before the public in splendid Oriental imagery by a most accomplished man, who, having visited the palaces of the Moguls at Delhi, desired to re-produce something similar to them for the City of London on the shores of the Thames—a man whose flights of imagination overcame all obstacles of space and time—who had got a space not only equivalent to that of the Carey Street site, but containing 70,000 square feet more—who thought that there was nothing more easy than to rectify the alignment of the Thames Embankment—who said, "I will dam the river" at this point, and at another "it shall not run with such a deep indent and rob me of the best of all my land." Lincoln's Inn was to be moved to Somerset House, and Somerset House was to be raised a story; King's College Hospital was to disappear; Lincoln's Inn was to be appropriated for King's College, with a cricket ground for the young gentlemen educated there; Gray's Inn was to move down to the Carey Street site; and the old site of Gray's Inn was to be devoted to building houses for the poor, who had already been displaced from Carey Street at an expense of £600,000, and all for nothing if this new scheme were to be carried out. In fact, the whole world was to be changed for the purpose of realizing these magnificent dreams of Sir Charles Trevelyan. What could possibly be more imaginative than all that? For his part, he believed that the unavoidable consequence of the adoption of the scheme of his excellent Friend, Sir Charles Trevelyan, would be the expenditure of millions upon millions. There was to be a large new street into Piccadilly, another into the City, and, in fact, streets north, south, east, and west;—and, nevertheless, they were expected to believe that even this would not exceed the expense of building upon the Carey Street site. The opponents of the Carey Street site had their own estimates, and showed great versatility in making estimates of the cost of buying the whole of the ground down to the Thames Embankment; of buying King's College and removing it to make a great street to the north—for that was said to be indispensably necessary; of throwing a bridge across Essex Street, and a subway across the Strand. Well, of course, it was easy to cut "ducks and drakes" with figures; he regretted he had trusted quite so implicitly to the original figures of the Carey Street site as he did; the later estimates turned out to be extremely different from what he had anticipated, and he believed it would be precisely the same with regard to the fanciful estimates of expenditure on the Embankment site. Although his hon. Friend had got a certain company in his pocket ready to buy up the Carey Street site, he was assured by practical men that site could not be sold for the £800,000 which it cost by some hundreds of thousands. On the other hand, the cost of purchasing the Embankment site was equally undervalued. He had an estimate of a gentleman of experience upon this point. Mr. Rowcliffe said—

> "There are upwards of fifty shops and houses fronting the Strand, some of them newly erected, many of them the best frequented shops in London. In my judgment those houses could not be acquired for less than £800,000. There are nearly 250 houses and places of business in the rear, some of them of great value, which I put down at not less than £1,200,000. There are, besides courts, alleys, and frontages, which cannot be estimated at less than £200,000."

Mr. Rowcliffe thus presented an aggregate of £2,200,000 for the Strand site. To this must be added the loss on the re-sale of the Carey Street site, and unforeseen expenses, so that the cost of the Embankment site would probably amount to £3,000,000 before a stone was laid. All that, too, let it be remembered, was exclusive of the purchase of King's College. It might be said that these figures were merely conjectural; but they were the result of the personal inquiries of one competent to judge of the matter, and should be taken side by side with the figures of the hon. Member for Galway. The supporters of the Embankment site were like children who planted flowers and then took them up to see how they grew; they would lose their former expenditure and their time, and would launch upon a new and unknown expenditure with great inconvenience to the public. Passing next to the question of the cost of the approaches to the Carey Street site, he asked whether it was reasonable to mix up that question with the cost of the Courts and buildings? All persons were agreed that it was desirable, wherever the Law Courts might be placed, that there should be better communications established between Holborn and the Strand, and that better access was needed to Lincoln's Inn Fields from the east and the west; but it surely would not be fair to charge the cost of these improvements upon the Carey Street site. If the Courts of Justice were once erected upon that site these works would probably follow in the natural course of things, and would fall upon the funds properly applicable to metropolitan improvements; but they would not, with the exception of a short opening from Holborn into Lincoln's Inn Fields, be more indispensable then than they were already. It should be borne in mind that the great body of solicitors lived on the north side of Carey Street. There were on that side 1,212 London solicitors who acted as agents for 3,875 country solicitors; while on the south of the Strand, including the Temple, there were 134 London solicitors, who acted as agents for 477 country houses; or, in other words, there were 5,087 as against 611. There were, no doubt, in the City 937 houses representing 1,119 country houses, and in other parts of the metropolis there were 1,067 houses representing 1,529 country houses; but the solicitors who were so distributed not only did not wish for a change to the Embankment, but the vast majority of them desired that the Carey Street site should be retained. It was at present proposed that all barristers and solicitors residing at the north side of the Strand should cross that thoroughfare as often as they had occasion to go to a Court, and something had been said about a subway and a bridge for that purpose; but at any rate such a scheme would be attended with great inconvenience, affording as it did access on only one side, while the Carey Street site could be approached both from the north and the south. Then, again, the fall in the ground from the Strand to the Thames Embankment varied from thirty to thirty-three feet, while the fall from Carey Street to the Strand, which was originally sixteen feet, had been reduced to eleven or twelve feet. All these things pointed one way; and there was this additional consideration, that the Carey Street site might be enlarged should the legal business require it, while no extension of available space was possible between Somerset House and the Temple. The hon. Member for Galway had assured us that the tendency of law business would be to contract rather than increase, and he appealed to the Report of the Judicature Commission to prove this; but the object of that Commission was to afford facilities for the disposal of business; and all experience showed that business increased with the introduction of improvements for its transaction. The Commissioners assumed that the same Judges would continue to sit in the same Courts, and they certainly did not contemplate a diminution in our future judicial business. But had the House no opinions upon which to decide this matter but those of lawyers? The name of Mr. Barry had been mentioned in connection with that subject. Now, he had not one word to say against Mr. Barry, who was a very able and excellent man; but they were all aware that

Mr. Street, the architect, whose design for the new Courts had been chosen by a majority of the appointed Judges, and a man who personally and professionally commanded universal respect and confidence, differed upon that question from his hon. Friend and those who supported him. Mr. Street, in page 36 of the recent publication of the proceedings of a committee appointed by the Council of the Society of Arts upon this subject, said that the large map which had been prepared from the Ordnance Survey would show that Sir Charles Trevelyan's figures were not accurate, and could not be made a basis for his conclusions, and then he went on to state that—

> "A carefully prepared map of the two sites to a large scale shows clearly that if approach roads are left on the east and west sides of the building (as they must be) there is just space for a building of the area I have planned on the Embankment site. But there is no more than proper space, and Sir Charles Trevelyan's estimate of an excess of 76,000 feet is evidently an entirely mistaken estimate."

With regard to the accessibility of the site to the public, he said—

> "On this head I have only to remark that the Carey Street site is very easily reached from the Embankment by roads practicable for carriages, while a very slight alteration of approaches on the north of Carey Street will make the access to the building more easy from all the great railway stations—the Great Western, North Western, Midland, Great Northern and Eastern Counties—than it would be if the building were on the south side of the Strand. Sir Charles Trevelyan's scheme would bring the whole of the traffic through or under the building itself. My view is that though the building ought to be accessible on all sides, the less it has to do immediately with vast thoroughfares the better."

He then stated his objections to the plan of Sir Charles Trevelyan to making a street from the eastern side of Lincoln's Inn to Holborn, as it could not be continued north of Holborn, and also to Mr. Shield's scheme of approaches, as being very expensive. Upon the comparative cost of the two sites, he said—

> "Upon this head I have no observation to make beyond referring to what I have just said on the subject of approaches, as to the cost of which I think Sir Charles Trevelyan has formed a most exaggerated estimate. I may also observe that the experience of any architect would enable him to say that it is always more costly to build on a steep incline than on a nearly level site, and that I believe the building on the Embankment, if it is to be really worth its position, would cost more than one on the Carey Street site would."

Upon the fitness of the Strand site on architectural grounds, he said—

> "I cannot but think that the Carey Street site has been most unnecessarily disparaged. It appears to me to have some very great advantages, which may be allowed without the slightest disparagement of the Embankment site. The ground on which it stands is so well raised above the river that any large and lofty building erected on it ought to add enormously to the architectural effect of London in all distant views, and even in all views from the bridges. The building would stand on ground which is as high above the river as the ground on which St. Paul stands; and we all know how magnificent an effect such an elevation produces."

He went on to enlarge upon that point, and stated that the view from the Strand would be very grand, whereas if a fine façade was required towards the river, it would be impossible to have one towards the Strand. He had, however, adduced sufficient authorities upon this subject, and he would merely add that in the opinion of the architect of the building the levels of the Carey Street site were the best. Instead of being shut up in a wretched neighbourhood, as was anticipated by those who opposed the Carey Street site, the fabric would, in the course of time, be surrounded by handsome buildings, which would be built independently on the north, east, and west, and thus this part would become an ornament to the rest of the metropolis. It would be quite unnecessary that King's College Hospital or the Law Institution should be removed. In his opinion and belief, the original reasons for preferring the Carey Street site remained in full force, and those reasons had been rendered still stronger by the fact that a large expenditure had been incurred, that a large area of land had been acquired, that a large population had been displaced, that four years of time had been consumed in preparations, that great expectations had been raised, and that the site was generally approved by the legal profession. Under these circumstances he begged to move the Amendment of which he had given notice.

Mr. DENMAN seconded the Amendment.

Amendment proposed,

To leave out from the word "desirable" to the end of the Question, in order to add the words "to proceed as soon as possible with the erection of the New Law Courts, and the offices connected therewith, upon the site appropriated for that purpose by the Act 28 and 29 Vic. c. 49; and that if additional land be necessary for the proper erection of such Courts and offices, such additional land ought to be acquired in immediate proximity to that site,"—(*Sir Roundell Palmer,*) —instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. BERESFORD HOPE hoped that his hon. and learned Friend the Member for Richmond (Sir Roundell Palmer) would not set him down as a *dilettante*, as it was owing to his intervention in Parliament in 1858, as the representative of the Incorporated Law Society, that the Commission, presided over by Sir George Lewis, was appointed, whose Report had been the origin of the proceeding which had been taken with regard to the new Law Courts. He accordingly trusted to have the indulgence of the hon. and learned Member when he told him that he was about to argue this question, not in any *dilettanti* spirit, nor as a lawyer, but as an inhabitant and a ratepayer of London, who thought the beauty and the convenience of the city were of the greatest importance. The question before the House was sufficiently broad and sufficiently deep to have many sides, and therefore he was sorry that so many hon. Gentlemen had come down that evening, marshalled in two opposite ranks, as partizans of either the Carey Street or the Thames Embankment sites, when their object should be to take care that the best building should be put upon the best site in London. The Carey Street site had in itself great architectural and practical merits. It stood well raised above the level of the river; for the calculation was that the ground level of the building would equal that of St. Paul's; and any pile erected on this spot would have a magnificent aspect from Waterloo and the other bridges, from the other side of the river, and from the surrounding heights. On the other hand, the Thames Embankment site had many and equally indisputable advantages; and, now that the quay had grown into existence in solid granite, it had become a pressing question which of the two was the better adapted for a public building. It was a great mistake to assume that the moment we had succeeded in obtaining a handsome quay we were to block it up with great buildings. Not only should the buildings on it be fine, but the spaces between them should be extensive. A quay was above all things an artery to a great city. It existed for the purposes of broad avenues and of abundant fresh air. To block it up with large and heavy structures closely massed together, and leave the slums behind unimproved, was to act in direct violation of common sense. It was like the procedure of an old lady who stuck a livery coat over the clothes of a flyman, and thought to persuade the world she had procured a family coachman. We should in a word discount a great improvement if all the new public buildings are in future to be planted on the quay. On the other hand, no doubt, the great monument we have placed by the side of the Thames, with its granite steps, its sculptures, and its broad solid wall should not be blocked up with lodging-houses, vitriol works, builders' yards, and public houses in the space between the Temple and Somerset House. Between these two conflicting considerations the House needed enlightenment, and it had not been vouchsafed any competent guidance. He challenged his hon. Friend the Member for Galway (Mr. W. H. Gregory) to say what he meant to do with the Carey Street site if he carried his Motion. He challenged the Government to answer the same question. In the beginning of his speech his hon. Friend made something like an appeal to his (Mr. Beresford Hope's) sensitive feelings when he spoke of the towers and the sky-line which he might see rising on the Carey Street site. Then he shifted his ground, and he spoke of an anonymous but perfectly solvent company which would take that site and deal with it as building ground. He was himself as anxious as any man to see the Thames Embankment finished, and to see upon it buildings worthy of that great roadway. At the same time he could not but appreciate the great advantage of the Carey Street site, and he did not want to drop his bone into the river and get only a shadow in return. Suppose they gave the Carey Street site up, and suppose then a fit of economy to come upon his right hon. Friend the Chancellor of the Exchequer, and that, as their reward, they had an ugly block of barrack-like buildings stuck on the Thames Embankment. they would be losers in every respect. The Embankment site being lower by a considerable number of feet than the Carey Street site, and placed upon a steep slope, the former would require a building of greater elevation and of more grandiose features. The House must have the matter put before them as it had not been put before them yet, or they could not proceed to a division with their eyes open. He hoped they would have from the Treasury Bench an intimation that in any event the Carey Street site should not be appropriated to speculative buildings, but reserved for a public structure. He trusted that, if the Courts themselves were not to be erected on the Carey Street site, some of the offices in connection with the Courts, including the great depository of wills, would be erected there. He was anxious that both sites should be made use of to advantage. In reference to what had been said by his hon. and learned Friend the Member for Richmond on the subject of concentration, he would remind the House that the Law Courts building would lose its effect if it were too large; over-centralization would decentralize. It would be a collection of passages and cells and labyrinths. To be a really imposing building it ought to be of moderate size. As for Sir Charles Trevelyan's grand scheme of sending everything in London dancing about somewhere else, it was impracticable. Lincoln's Inn was to come down to Somerset House, and Somerset House was to go up to Lincoln's Inn, or anywhere. The Temple was the only place which would be left where it is. Sir Charles Trevelyan's plan had really nothing to do with the question, and it was unfortnnate that it should have been introduced, to complicate a practical discussion. The House had now before them the great contingency of the Thames Embankment, which was not in question eight years ago; they had also the solid advantages of the Carey Street site. He would gladly vote for the Motion of his hon. Friend the Member for Galway if he was sure there would in consequence be an unprejudiced re-consideration of the whole matter, and that the forfeiture of the Carey Street site for some public use would not be thereby risked; but until the Government gave the House some further information on the subject he was not prepared to say how he would vote on a division.

Viscount BURY must say he thought his hon. and learned Friend the Member for Richmond (Sir Roundell Palmer) had not served his case by indulging so much in invective as he had in the first part of his speech. His hon. and learned Friend had spoken in somewhat disparaging terms of the interference of *dilettanti*. Did his hon. and learned Friend think that no one but lawyers ought to have an opinion on this subject? He was not a lawyer, nor could he boast of being a *dilettante;* but as one who liked good architecture, and who was a ratepayer, he had given some thought to the question under consideration, and he had a predilection for the Embankment site. If they looked at that site from one of the bridges they would see a roadway 100 feet wide, with a large area behind it eligible for building purposes, and in the rear of that area a great main thoroughfare. A building on the Embankment would have the river in front, so that there would be a good supply of light and air, while such a building would not be, to any very appreciable extent, removed from the haunts of legal men. But what did they find on the other side of the Strand? There they found a large space of land that had been cleared, and that another space of considerable size would still be required; while the public buildings already adjacent to the site would block up the new Courts, and it would be difficult under any circumstances adequately to develop their architectural proportions. In the matter of approach the Carey Street site was open to the gravest objections; to get at it you must penetrate through some of the densest slums of London, come from what quarter you might, unless, indeed, a new arterial communication was to be opened at an unknown cost. In the Embankment a great arterial communication east and west already existed; for the Carey Street site it would have to be made, and to be made at the expense of the ratepayers of London, who were already more than sufficiently taxed. As one of that body he thought this was a very serious matter. No doubt, as the hon. and learned Member for Richmond had said, the expense of constructing such an outward communication ought not to be put upon the Carey Street site; but that very argument told in favour of the Embankment. The Metropolitan Railway would soon be running along it, and he had seen a scheme for constructing a railway right through the centre of London from Cromwell Street straight to the Law Courts. Then as to architectural advantages, he believed that the Thames Embankment site was superior to its opponent, although he was willing to acknowledge that the Carey Street site would offer favourable comparison with any other site, if the arterial communications suggested were made. But if that part of the undertaking was to be left *in nubibus*—left to chance—to be done some day or other—then he maintained that after the Law Courts had been erected on the Carey Street site nobody would be able to see them. Some of the arrangements connected with that site were really ridiculous. According to the proposed method the *coup d'œil* would be this—barristers, in their gowns and wigs, would be seen approaching the Courts from all quarters; suddenly they would disappear from sight, and be working their way through the burrows or tunnels leading to the Court. It would be still more ludicrous to see a venerable and learned Judge, full of years and honours, and arrayed in the garb of office, being hoisted up, body and bones, to his place of justice. If he preferred entering his Court by the way set apart for the public and the suitors, instead of being lifted in this way, he would have to mount eighty steps; and though this might be no great hardship if confined to an individual and to one or two occasions, it would, if it were to be a perpetual occurrence, be enough in itself, if everything else were equal, to turn the scale in favour of the Embankment site, where the access would be easy alike for carriages and passengers. His hon. and learned Friend had rather found fault with the hon. Member for Galway (Mr. W. H. Gregory) for opening a question which had already been decided; but he maintained that the case, if decided, had been decided in the absence of a material witness, and that at the time the Carey Street site was selected the Embankment site was unknown. It was not even alluded to in the Report of Sir George Lewis. In fact, the whole thing was *sub lite.* The material part of the Report which had been made on this subject was that, in order to secure anything like sufficient concentration, they would have to spend double or treble the amount which had been anticipated. The cost of the Thames Embankment site would compare not unfavourably with that of the Carey Street site; and, keeping especially in view the superiority of the former as regarded the approaches, he could not help thinking that greater advantage would accrue from its selection.

Mr. DENMAN maintained that the Carey Street site was the one most favourable to the interests of the public, of the suitors, and of the profession, whose convenience was of course the interest of the suitors, and that the adoption of the Embankment site would involve a wanton waste of money. There was no reason for rejecting the scheme that had been deliberately decided upon for the sake of a new one. If the Courts of Law were raised on the Carey Street site they would be within two or three minutes' walk of the chambers of almost all barristers in practice, whether they were in Lincoln's Inn or in either of the Temples; and within a very short time there were sure to be either subways or covered passages leading from every set of chambers in the Inns to the Courts, so that barristers should pass to and fro in all weathers without inconvenience. Barristers were now compelled to waste hours upon hours in Court waiting for their cases to come on—a loss of time full of inconvenience to themselves and of expense to their clients—but which would be entirely obviated if their chambers were close to the Courts. They would then be summoned within a few minutes of the time when their attendance was necessary, and in the meanwhile they could be doing work in their chambers. In fact the arrangement would be far more convenient than any in the world, not excepting the Four Courts in Dublin, for there the barristers ordinarily transacted their chamber practice at home. But place the Courts on the Embankment, and half of these advantages were sacrificed. Lincoln's Inn would be isolated; barristers having chambers there would find it a walk of seven or eight minutes, across an open and crowded thoroughfare, before they could reach the new Courts; and however trifling a matter a few minutes more or less might appear to the hon. Member for Galway (Mr. W. H. Gregory), every lawyer knew that they constantly made all the difference in the world, and might be the occasion of a cause being struck out and so postponed for weeks, and in this way thousands of pounds, in the way of costs, would be incurred by suitors in useless delays. If the hon. Member for Galway's proposition were adopted, the whole object in choosing a concentrated site would be lost as far as the barristers were concerned, and the case would be still worse in respect to the solicitors. The great bulk of the latter had their places of business round about the selected site, a great majority having offices to the north of it; and it was of immense importance that the chambers of counsel and the Law Courts should be of easy access to them, so that they might be able to summon counsel to attend in Court as soon as their respective cases came on; but the adoption of the present Motion would deprive them of that advantage. It by no means followed that if the Courts were not built on the Embankment the space must be occupied by poor and mean edifices. It could and ought to be secured by the Government and reserved for important public buildings worthy of the position, and he quite felt, with the hon. Member for Cambridge University (Mr. Beresford Hope), that it would be highly desirable if the House was informed what the plans of the Government in that respect were. In all respects the Carey Street site was preferable. He had been told that, as a Lincoln's Inn man, he naturally took only the Lincoln's Inn view of the case; but in fact his advocacy was wholly disinterested; for though a bencher of Lincoln's Inn his practice at the Common Law made it necessary for him to occupy chambers in the Temple, so that he had no personal reasons to give a bias to his judgment. In another respect the concentration of the Courts of Law, and especially the concentration of them upon the site most convenient to the profession, was a measure of the weightiest moment. He believed that it would be one great step towards the fusion of law and equity. That fusion, it was well known, had been retarded, in spite of the disposition on the part of the Legislature to promote it by nothing more than by the present separation of the practitioners at the Chancery and Common Law bars. He contended that if Lincoln's Inn were cut off from the Law Courts—if the Chancery barristers were to hang about the Courts all day while the Temple barristers spent their time in their chambers, the fusion of law and equity would be rendered as far off as ever. He had not studied the question of expense; but he was not surprised at all when the hon. and learned Member for Richmond (Sir Roundell Palmer) stated, on the authority of a competent and trustworthy witness, that the site of the Thames Embankment, including the purchase of rights, and the pulling down of buildings, would not be less than £2,000,000. He could easily believe that when he saw what was the cost of the Carey Street site with buildings of a much inferior character. The cost of the buildings on the Embankment site would be enormous, even though they did not include King's College in the site. It would, at all events, include the vast establishment of the hon. Member for Westminster (Mr. W. H. Smith), a great number of large and thriving shops in the Strand, and a number of engineering establishments down towards the river. This must satisfy all reasonable people that the cost of the Embankment site would be much greater than that of Carey Street. It was a curious thing that at the discussion of this subject in the Society of Arts, which had been sent round to all the members, among the novelties of schemes that were propounded, it was agreed on all hands that the scheme of Sir Charles Trevelyan, which was the one now practically before the House, could not possibly be carried into effect. Objections were raised against it by artists as well as by architects. What was wanted was to get all the space they could, and cover the whole of the ground with Courts and offices. He entirely agreed with his hon. and learned Friend the Member for Richmond that the tendency of improvement in the present day was to require greater, instead of less, space for the Law Courts. This was evident from the Report of the Judicature Commission, which proposed to bring the whole of the Home Circuit business—of the five counties adjacent, as well as Middlesex itself—into these Law Courts; and every effort made to improve and facilitate the administration of the law certainly led to the requirement of more space and more Court accommodation. Ought they not, then, to have regard to the spot where they might within reasonable limits extend the accommodation as required? In an architectural point of view the Carey Street site was admitted on all hands to be an admirable one. It was as good a site in that respect as could possibly be selected. It was more elevated than the Thames Embankment, and there was no part of London where you more wanted the monotonous line broken. Of itself it would be a splendid thing. Why should they prefer another site, which, after all, might be better occupied by four or five beautiful buildings than by one long building, which, looking from this side of Waterloo Bridge, owing to the bend in the river, could not take the line of Somerset House, and might have to be erected in a curved line? Besides, the plans were already prepared; the architect knew exactly what was wanted. Any change of site would involve an extravagant waste of time and a reckless plunging into doubts and difficulties for the future. It would be far wiser and better, after so much expense had been already incurred, to complete the buildings on the present site and plans, which they had the means of doing within the next two or three years, than to postpone the accomplishment of so desirable an object for an indefinite period.

Mr. G. GREGORY said, he would not have obtruded himself upon the House if it had not been for the allusion made by the hon. Member who introduced the Motion (Mr. W. H. Gregory) to that branch of the legal profession to which he belonged. The hon. Member said that the opposition to the Embankment site originated with the solicitors of Lincoln's Inn. Now, he denied that. No doubt those solicitors did object, but it was only in common with the other members of their profession. The opposition originated with the Law Institution, of which 2,000 solicitors were members; and it originated there because they had devoted much time and labour to the question; and in the Carey Street site they thought they saw an end to their labours, while this Embankment site tended to dissipate the expectation. His hon. Friends who preceeded him had left him little to say, and he rather tendered himself as a witness than appeared as an advocate. The hon. and learned Member for Richmond (Sir Roundell Palmer) had referred to a pamphlet giving some details as to the cost of the new site. He knew the author of that pamphlet, and he could certify that the figures were correct, for they had been tested by two or three eminent surveyors. Then, if they did abandon the Carey Street site, it was estimated that the Government would lose £500,000. He thought too much had been said on the subject of approaches. They did not want grand approaches to Courts of Law, where the people that came in their carriages were few. If they opened the Turnstile out of Holborn, and widened the corners of some of the streets leading from Long Acre to Carey Street, they would give all that was wanted. He did not know that it was desirable to make the Courts very convenient for the public to attend. If they provided a large space for their attendance they were apt to indulge in expressions which disturbed the course of justice. The Judges, he contended, would be put to no more inconvenience in reaching their Courts there than they every day experienced in ascending the staircases at their clubs, while, owing to the fall in the ground from the Strand to the Thames Embankment, it would be necessary to have an inclined plane, giving access to the floors of the Courts if built on that site, which would oblige them to go up something like sixty steps. He entreated the House to settle this question now at once, and for ever. It had too long been made the subject of discussion. Even if the new Courts were commenced at once there were many in his profession who could not hope to do business in them, but they wished to leave them to their successors as buildings where justice could be administered with something of the decency, not to say the dignity, that was due to the administration of the law.

Mr. W. F. COWPER said, that, as he had had to consider the relative advantages of the two sites, he would, with the permission of the House, state his opinion on the subject. Nothing which had occurred in the discussions that had taken place had altered his previous opinion that the Carey Street site was the most convenient and economical, and afforded the best opportunity for grand architectural effect. He was rather surprised at the sanguine view taken by his hon. Friend who opened the debate (Mr. W. H. Gregory) respecting the financial aspect of the question. It was an ascertained fact, and not a matter of calculation, that the Carey Street site cost £800,000, an amount he might incidentally remark which did not much exceed the original estimate. With regard to the other demands for £700,000 more, that additional sum would not be absolutely required for the erection of the building, although it was thought desirable to expend it in order to get better light, air, and approaches, and to obtain the means of ultimate extension of the building. But the estimate of the cost of the Embankment site rested on no responsible authority, but was open to grave questioning and doubts. Indeed, looking at the character of the houses which would have to be bought, the valuable shops on the south side of the Strand, and the excellent houses in Norfolk Street and Arundel Street, he thought the amount required would be in excess of the estimate. It had been assumed that the Carey Street site would sell for as much as it cost; but this would certainly not be the case if it were sold in the ordinary manner. The good-wills which cost so much to purchase were no longer in existence; and a competent authority had calculated that, if the site were sold in the ordinary way, a loss would be incurred of between £400,000 and £500,000. The hon. Member for Galway said the whole of the money might be recouped if the site were sold to a company for the purpose of erecting chambers for barristers and attorneys; but this, in his opinion, was highly problematical. Certainly, building on the Embankment site would involve considerably greater expense than building on the Carey Street site. The latter site was a level surface, and supplied the ordinary foundation for a building, but the Embankment site was of a very peculiar character. There was a slope of from thirty feet to thirty-two feet, and consequently it would be necessary to spend a great deal of money in building a basement like that of Somerset House, in order to produce the proper architectural effect from the river and to get a ground floor for the whole building on a level with the Strand. Again, it was well-known that the foundations on the banks of the river were peculiarly bad, and that it was necessary in erecting buildings to go to a greater depth than in other parts of the town. That was made evident when the Charing Cross Railway station was built. Then, the Underground Railway would come close to the proposed new building, and the only chance of avoiding the annoyance consequent on the vibration would be to carry the foundations below the level of the railway. For these two reasons it would probably be necessary to carry the foundations to a depth of forty feet. Now, the additional expenses involved in doing that and in making the useless substructure had been estimated by a competent authority at no less than £300,000. There was no doubt that it would be a very considerable increase in the expenditure of the building which would be erected on the Carey Street site. Another ground on which the claim had been made of superior economy for the Embankment site was the question of approaches; but it appeared to him that the two sites varied very little indeed in regard to approaches. They had the Strand in common; and the difference was that on the other side of the Embankment building would run the Embankment roadway, while on the other side of the Carey Street site were the communications that reached to Holborn; and he thought the advantage in point of convenience from approaches attaching to the Carey Street site would lie in the easier access given to those who lived on the northern side of London, while the greater convenience of the Embankment site would be to those who approached it from the southern side of London. They all knew that the enormous preponderance of the legal firms that frequented those buildings came from the northern and not from the sourthern side of London, and that of the ordinary public who came to the Strand, the great majority would come from the northern side. Supposing the present plan were continued, and the Law Courts were erected on the Carey Street site, there must of course be an easy communication with it through Norfolk Street or Essex Street from the Embankment roadway and from the Underground Railway. On the other hand, the accesses from Holborn would remain the same in either case, because, whether the Courts of Justice were built to the south or the north of the Strand, it was equally desirable that there should be some improvement in the communications to the northward, and the easiest mode of effecting that would be to break through the Turnstile at Lincoln's Inn. In some way or other the communications would be improved; but then the Embankment site had this disadvantage—that all the vehicles which came from northwards to reach it had to compete with the traffic in the Strand itself; they would have to cross the Strand, and be liable to all the hindrances incident to crossing there; whereas, if the Courts were on the north side, vehicles which approached them would only have to cross the Strand if they came from the south side. As to the traffic which came from east and west, there did not seem to be much difference between the two sites. Fleet Street and the Strand would supply the communication in either case. But, then, in point of quiet, the Carey Street site had a great advantage over the other; because it had only one noisy thoroughfare on the one side of it, instead of having such thoroughfares on both sides as the Embankment site would have. There would be much noise from the Embankment Railway, which would be much used for going from the City to Westminster. The Carey Street site was peculiarly adapted for the purpose, inasmuch as on the north side there were no thoroughfares along which vehicles were perpetually passing; but there were just those communications to the north and to Holborn which, with a little improvement, would easily provide for the convenient arrival of the persons frequenting the Law Courts. Judging from experience in regard to the Courts at Westminster, there was no reason to suppose that any large number of vehicles at any one moment would be crowding into those Courts. It seemed to him then, that on the score of economy and of convenience to those frequenting the buildings, the Carey Street site was the preferable one. Then there really could be no question between the two as to convenience of situation for the gentlemen of the legal profession, as Carey Street was in the very heart of their professional residences; and it was only on the supposition made by Sir Charles Trevelyan in so sanguine a mood that almost all the barristers and solicitors who lived to the north of the Strand would be displaced from their present position, and would be all shifting their quarters, that Sir Charles could got ever the obvious disadvantage of moving the site of the Law Courts to the south of the Strand. Therefore, he did not think any ground had yet been made why they should now, after so many years of consideration, after having passed Acts of Parliament and got possession of the site—which was now ready to be built upon—incur new delays, the extent of which they could not easily estimate. Although one might sanguinely hope that a Bill might be passed rapidly and approaches made quickly, experience had shown that delays always arose which were not previously expected. And then, too, they did not know, even supposing the House were now to decide that they ought to abandon the Carey Street site and adopt the Embankment, that next year the precedent of this year might not be followed—that a new plan might not be suggested which might find favour in the eyes of many—and thus they might be left for an indefinite number of years with their Courts of Justice in their present inconvenient and unsatisfactory condition. Believing that the convenience of the matter lay in the selection of the Carey Street site, he could not see any architectural ground on which they should abandon it. Anyone who looked at London from a distant quarter would always be struck with the advantage of St. Paul's and some of the upper parts of the towers of Westminster, which dominated over the lower buildings around them; and he conceived that the building which had been planned by Mr. Street would have a most effective aspect, from being erected on high ground and from being lofty in itself, and would prove more of an adornment to the metropolis at large than a structure built so low down as on the banks of the river. One portion of the building would be of the height of St. Paul's, at the point from which the dome sprang; the towers would be of the height of the western pinnacle of St. Paul's: so, that from all parts of London where the western pinnacle of St. Paul's was seen, the towers and upper part of the building in Carey Street would be also seen. The low situation in which the Houses of Parliament stood detracted from their architectural effect. The best architecture was always that which endeavoured to secure the greatest utility; and architectural success was oftener attained—not by subordinating utility to beauty—but, on the contrary, by aiming to carry out in the most effective way the purposes for which the building was required. On these grounds he should oppose the Motion of his hon. Friend the Member for Galway.

MR. WHEELHOUSE wished to add his testimony to that of other members of his profession in that House in favour of the Carey Street site, which he considered infinitely preferable to that of the Thames Embankment. The view he took of the matter was that they ought above all things to go as nearly to the centre of the whole legal profession as they possibly could; and the Carey Street site had this advantage, that whereas it would scarcely make any appreciable difference to those who practised in the Temple, there could be no doubt that when they came to Bedford Row and Bloomsbury it would make all the difference in the world, having to come across the whole of the distance with the Strand intervening between their places of business and the site of the Courts.

MR. TITE said, no doubt £760,000 beyond the £800,000 that had already been expended would be required to complete the Carey Street site, in order to give the necessary light and air that would be required for so large a building as it was proposed to erect there, for it would be impossible to construct such an edifice as was proposed, without an area in itself sixty feet wide all round it. The area which the Commissioners began with was, if he recollected rightly, 376,000 feet, or about seven and a-half acres, and now they asked for 276,000 feet more. With regard to the Embankment site every one was enamoured with the wonderful work which had been done there, and filled with a desire to make the Embankment worthy of the metropolis. If things, however remained as they were there was danger that instead of an ornament they would have a disgrace. Owing to the original provisions of the Bill the Metropolitan Board of Works had no power whatever to take an atom of the dirty, unsightly streets that ran down from the Strand to the Embankment. But there was a small portion of ground between Essex Street and Arundel Street which might be put to very good use. If he was asked to vote for one site as against another he should hesitate before voting against the Thames Embankment. He would not venture to put his experience against that of the lawyers as to which site was the more convenient and better for them. But he would ask how it was that a large number of eminent lawyers who practised in the City had contrived for so long a time to get from one Court to another? The question of Lincoln's Inn and the solicitors' chambers adjacent, that so much had been made of, appeared to him a very small matter. With regard to the estimates, he was not going to say a word after the reproaches which had been addressed to him the other night. But when they saw that lawyers had the making of the estimates, and it was suggested that what had began at £1,000,000 might possibly become £3,200,000, he thought architects need not be very much ashamed of themselves. He had only suggested doubling the estimate, and that was very natural and not very unusual in Government works. But looking at the matter as a man of business, it appeared to him that the building itself, from its enormous size was a mistake, and that to congregate so many persons together would be a failure. Last Session he was of opinion that if they were to divide the building it would be possible to get rid of the difficulty with respect to the two architects, one of whom he could not but think had been very ill-treated. If they could separate the building into two portions — one might be larger than the other—they might have it in their power to do some justice to a man whom they had treated with great injustice. The House would recollect that originally two architects were appointed—Mr. Street and Mr. Barry, who agreed to act together as joint architects; but subsequently the Government took Mr. Street, and threw over Mr. Barry altogether. He had a great regard for both architects, and had been always on excellent terms with them; but putting the architects out of the question he believed that the proposed building might be divided properly and economically. It was perfectly well known to the Metropolitan Board that, if they could not have the inclined road between Hungerford and Waterloo Bridges, they must have some communication from the Strand with the Thames Embankment, and the only other alternative was Esssex Street.

Now, at the bottom of Essex Street would be found a very convenient piece of ground for a handsome building which might be used for the storage of wills, and leading lawyers had told him that it would be desirable to take such a building out of the crowded streets. Such a building would lend to the Embankment a certain amount of ornament, even if Carey Street were retained as the site for the main building.

Lord JOHN MANNERS stated, that if he wanted an argument against the Resolution moved by the hon. Member for Galway (Mr. W. H. Gregory), he would find it in the recommendations of the last speaker. The hon. Member for Bath (Mr. Tite) had told them he could not enter into the question as a lawyer; but they had never heard from any lawyer, during the long period over which the discussion had ranged, an opinion in favour of separating the Law Courts, and the offices connected with them. So far as his (Lord John Manners') experience went, he did not think the hon. Member for Bath's suggestions would find favour with the legal profession. And Sir Charles Trevelyan, the great promoter of the scheme suggested by the hon. Member for Galway, was as strong as any one on that point. Everyone who had as yet taken an interest in the subject was of opinion that the Courts and offices should be concentrated on one spot. Evidently the hon. Member for Galway should have made his Motion in that arena to which reference had been made so frequently—the Society of Arts. It was a purely abstract Resolution, designed to commit no one, either the House, the Government, or the Commission; it was simply an expression of opinion that it was desirable to re-consider the question of Carey Street as a site, considering that the Thames Embankment offered peculiar advantages. What the hon. Member apparently meant was that the Government should consider the matter, but he explained that the House of Commons should come to a decision to-night, and that the Government should take that decision as final. It would have been better, then, that the hon. Member had said distinctly that the Embankment site was preferable to the Carey Street, and divided the House of Commons on that question. He, however, had put before them an apparently harmless Motion, and had explained it by saying that he meant the Government to act upon it, and explained that by saying that the House of Commons should tell the Government what construction to put upon it. His hon. Friend had argued the question under three general heads, the first of which was economy. He (Lord John Manners) earnestly entreated the House to beware how they accepted the budget of a private Member on a question of this sort. It was well known that the official framers of budgets were not always correct in their anticipations; even the most experienced financiers had failed in this respect. Was it not, then, very probable that the budget of the hon. Member for Galway was rather faulty? The hon. Gentleman's budget consisted of two parts, in the first of which he heaped up on the debtor side every conceivable and inconceivable item of possible or impossible expenditure on the Carey Street site; while the second consisted of the very moderate figures which the hon. Gentleman gave as being enough to enable the House to carry out the project on the Thames Embankment. The hon. Gentleman assumed that the total cost of the Carey Street site would be £1,550,000, to which he added £100,000 for the purchase of the Law Institution, £1,000,000 for the necessary approaches, as suggested by Mr. Street in his preliminary Report—who, however, now expressed his dissent from that estimate—and then £1,600,000 for the road proposed by Mr. Shields, who was called upon by the Chancellor of the Exchequer to report upon the subject, which made so enormous a total that he really distrusted the power of his memory to retain it. Now, what were the facts of the case? Mr. Shield's road was entirely repudiated by Mr. Street, the architect of the building; and, even if that road was required, it would be for the general improvement, embellishment, and convenience of the whole metropolis, and therefore the estimate for the Carey Street site ought not to be saddled with it. The item of £1,600,000 ought therefore to be entirely left out of consideration. The item for King's College Hospital and the approaches, £1,000,000, was a very large one, but neither Mr. Street nor the Commission proposed to purchase King's College Hospital.

Mr. W. H. GREGORY said, he had

not included the purchase of the hospital. His item was £1,500,000 altogether, for the approaches from east and west.

Lord JOHN MANNERS said, he was so overwhelmed by the hon. Gentleman's figures that it was no wonder he had understated them. The item of £1,500,000 for approaches was not wanted for the Law Courts, and it was in the highest degree unfair to saddle the Carey Street site with it. His hon. Friend also saddled that site with £100,000 for the purchase of the Law Institution; but that was a comparatively small item, which he would not raise much question about. But the two large items which he objected to have saddled upon the Carey Street site amounted to £3,100,000. The three and a-half acres of land required for the approaches to the Carey Street site, &c., would cost £685,000, or, in round numbers, £700,000; but an acre of that would not be required, and could be re-sold, so that the total net cost would be £418,000. By that extent no doubt the cost of the Carey Street site would have to be increased, and as the site had already cost in round numbers £800,000, the total would be £1,218,000. Now, what was the expenditure for the Thames Embankment site? The hon. Member for Bath (Mr. Tite) spoke derisively of lawyers making estimates for the purchase of land; but it was a remarkable fact that the estimate for the Thames Embankment site was made by the same gentleman, not a lawyer, but an eminent surveyor, who made the estimate for the Carey Street site. The Thames Embankment site alone was estimated at £1,500,000, without anything for approaches or anything else, so that there was an excess on the site alone of £282,000. But was that the measure, or anything like the measure, of the cost of the Embankment site? Certainly not, for there must be an estimate of the loss which would take place on the re-sale of the Carey Street site, as it was impossible to assume that the re-sale could be accomplished without loss. That loss had been estimated by one of the most eminent surveyors in London at £500,000. As, however, there might be some compensating circumstances which would reduce the loss, he would estimate it at £400,000. He now came to consider what must be the additional cost of the buildings if they were erected on the Thames Embankment. For the foundation works the Carey Street site might be treated with the spade; but there must be immense building operations in connection with the foundation on the Thames Embankment. He understood from high authority that the difference on this head could not be less than £500,000 as against the Embankment site. He admitted that, owing to the water carriage, building materials could be conveyed to the Embankment at a cheaper rate, and he deducted £50,000 for that, which would leave a balance of £450,000 against the Embankment site on the mere expenditure for foundation. They had not heard much—indeed, he did not think they had heard anything that evening—of the other sources of expenditure which would necessarily follow the choice of the Embankment site. The Strand must be widened, and to effect this a block of houses must be removed. Sir Charles Trevelyan admitted the necessity of this improvement, and he believed that £400,000 was not too high an estimate of the cost of it. He thought the House would find that £1,532,000 was his estimate of the total expenditure on these heads; for it must be remembered that the great advocates of the change to the Embankment site did not urge it on the ground of its convenience to suitors, barristers, and solicitors, but they came forward on what was called the æsthetic ground, and advocated it as a great metropolitan improvement—as an embellishment to the Thames Embankment and to the metropolis. But if that were the real reason for the change, it could not be supposed that a gigantic building—like the Law Courts were to be—could be put up side by side with Somerset House, while Somerset House was left as it now stood, with its dumpy domes and narrow windows. Somerset House would be dwarfed and killed by the Law Courts unless a great change were made in its façade and summit. It was proposed by some people that two storeys should be added to Somerset House to meet the difficulty, and others more moderate contented themselves with the proposal for one additional storey. He had no estimate of the expense of this alteration of Somerset House. Perhaps the right hon. Gentleman the First Commissioner of Works (Mr. Layard) had. But there was another matter to be considered. It was said that Somerset House had had the misfortune to have a great deal of unsound timber used in its construction, and it was a question how far the building would be able to bear these additional storeys. If they were to act simply from an æsthetic point of view, they would either have Somerset House completely dwarfed by the new Courts, or they would incur a great expense, at the risk of having Somerset House brought about their ears. His hon. Friend the Member for Galway had said—"Don't talk to me about suitors; we are all suitors. The public are the suitors." He recognized the great ability of his his hon. Friend; but when Irish Members spoke of the public in connection with expenditure they generally meant the public ought to pay. He thought that on this occasion his hon. Friend was no exception to the rule; and he should like to know whether the Chancellor of the Exchequer was prepared to call upon the public to pay for the architectural whims and fancies of his hon. Friend the Member for Galway? He warned the House that, if the proposition were carried, the right hon. Gentleman might probably be compelled in two or three years to come down to the House with a little bill as the result of it. The hon. Member urged that the proposed edifice would be a great metropolitan improvement, and adornment to the metropolis. No doubt of it; but that did not furnish any reason for raising it on the site of the Thames Embankment. The elevation of Carey Street was admirable—it was pretty near the level of St. Paul's, and any great building placed upon the site must be seen from almost every part of the metropolis; whereas unless it was raised to an extraordinary height, it could not be seen at any great distance, if built upon the Thames Embankment. The hon. Member had referred to Mr. Baillie Cochrane as the Parliamentary introducer of this measure. Deeply as he regretted that gentleman's absence from their debates, he could not, if he had been present, have said a word less against the proposal of the hon. Member for Galway. He asked the House to view the question in a practical spirit, and not allow itself to be led away by architectural dreams of what might or might not happen. He entreated the House to persevere in the course which all previous Governments, since 1858, adopted, and permit this great work to be carried out, which only awaited its decision on this question to be commenced. He had noticed, with regret, that much of the delay, which, in effect, meant extra expense, and of the increased expenditure following the projection of schemes of metropolitan improvements and national buildings, resulted often from the unfortunate jealousy which one Government felt of the decision of its predecessor. He had had the honour of filling the Office of First Commissioner of Works on three separate occasions, and he had no hesitation in saying that he had always endeavoured to avoid that most expensive error. His object was to carry out, if possible, those works that had been sanctioned by his predecessor in Office. In the present instance he thought it would be a most unfortunate event if the Government were to reverse the decision of their predecessors for the last eleven years, and by their vote that night plunge this great question into architectural confusion and financial chaos.

Mr. LOCKE believed that all the legal arguments to-night had been on the Lincoln's Inn side of the question. He was not aware that any member of any other Inn had risen, not even Gray's Inn—for the hon. and learned Member (Sir Roundell Palmer) had taken Gray's Inn under his protection—the two Inns, as it would seem, being in the same boat. It might be taken that the site of Carey Street, if it were completed, with the buildings, would cost as much, if not more, than the site of the Thames Embankment. If so, the two plans started fair. *Utrum horum mavis accipe*—which did they choose?—as they said in the Latin grammar. If the question were now raised for the first time, and if they had the two sites to choose from, he appealed to an enlightened public to say whether they would not prefer the Thames Embankment. In the first place, in an æsthetic point of view there would be no question that the Thames Embankment was far preferable to the Carey Street site. Then, with regard to convenience, hon. Members always looked to the north of London; but as a representative of Southwark he wished to say one word in favour of his constituents and of the south side of London. Persons in Southwark would naturally prefer that site to which they could come from London Bridge for 1*d*. Considering that we were a maritime people hon. Members had been strangely remiss in leaving out of their consideration the above-bridge navy and the facilities of carrying the people to these Courts by water. The advocates of the Carey Street site had argued as if all the attorneys and solicitors in London had their offices in or around Lincoln's Inn and Gray's Inn, but was it not the fact that they were to be found in all parts of the metropolis? The inhabitants of the Borough, of Southwark, and Lambeth were as litigious as the rest of the community, and the attorneys and solicitors in those boroughs would not object to come to these Courts by water; indeed, it would be to them the greatest convenience; but the attorneys near Lincoln's Inn were represented as having fallen into such a decrepid condition that they could only manage to walk a few yards to the Courts, and as being utterly unable to cross the Strand and walk fifty or sixty yards to the Thames Embankment. Those gentlemen were greatly to be pitied; and in the interests of their bodily health it was most desirable to raise the building on the river site, because, no doubt, the bracing and invigorating atmosphere of the Thames Embankment would have a most renovating effect upon them. The distance for which they were stipulating now was, they said, only a few yards from their chambers to the Courts; nevertheless they contrived, though with great physical exertion, when they had business in the Law Courts at Westminster, to go much further. Referring to the representations of the Law Institution of Chancery Lane, he looked upon them as concerning a question of mere pounds, shillings, and pence. That institution possessed some ground in the neighbourhood of Lincoln's Inn, and it was willing, no doubt, to take its chance of something happening to its property which might be useful to it in a pecuniary point of view. The noble Lord (Lord John Manners) had complained that the hon. Member for Galway had not put this question before the House in a sufficiently definite form; but the fact was that it assumed too definite a shape to secure the noble Lord's approval. If the Resolution of the hon. Member for Galway were carried, the House would show that it did not altogether approve the scheme of building the Law Courts in Carey-street, but that it was ready to consider and approve the site of the Thames Embankment. That was the issue now before them. On grounds of economy and convenience to everybody who had business in the Law Courts, the Embankment site was infinitely to be preferred to the Carey Street.

THE CHANCELLOR OF THE EXCHEQUER: It well becomes my hon. and learned Friend the Member for Richmond (Sir Roundell Palmer) to stand up so heartily and strongly in behalf of the profession of which he is the undoubted head; but, when I heard him speaking up for the lawyers, I could not help wishing that his earnest worship of Themis was a little less intolerant of others. I think my hon. and learned Friend ought to be content to say all that he did in honour of the legal profession without denouncing so very severely those gentlemen, his opponents, as *dilettanti* persons who have given a little attention to the Fine Arts, and denouncing also all attempts to beautify this metropolis as "imaginative," and therefore contemptible. I wish I could have discovered one redeeming virtue in the hon. and learned Member's speech, and have traced some slight regard for the British tax-payer. That happens to be the point upon which I am principally concerned. The noble Lord opposite (Lord John Manners) called my attention to the matter in a very marked manner, and I am much obliged to him; but I can assure him my attention has been called to this matter for many months, and I must express to the House my anxiety respecting it. When I first came into Office my attention was drawn to an account of the Royal Commission, dated the 21st of June, which stated that the actual cost of the present site is £785,000; additional lands proposed to be purchased, £668,000; cost of building and architect's commission, say £1,650,000; furniture and contingencies, say £147,000: total, £3,250,000. I was considerably startled to find the expenditure with which we were threatened, and I was not relieved when I discovered that I must add to this sum £108,000 for the expenses of the Royal Commission, in which was included £27,000 payment to Messrs. Field &

Co. for commissions, disbursements, and taxed costs, so I was confronted at once with an expenditure of £3,385,000. I, of course, immediately referred to the authority for this expenditure, and turned to the Acts passed with reference to this matter—one fixing the expenditure and the other the means of payment. I found this remarkable enactment—

> "No notice shall be given of the intention to take any property under this Act, nor shall any contract be entered into for the purchase of any property, until a certificate in writing shall have been received by the Commissioners of Her Majesty's Treasury, signed by the major part in number of the persons appointed by Her Majesty under the Courts of Justice Building Act, 1865, to advise and concur with the Commissioners of Her Majesty's Treasury with reference to the plan and arrangements of the buildings to be erected upon the lands hereby authorized to be taken, stating that they were satisfied that the lands to be acquired under this Act, of which a plan has been laid before Parliament, are sufficient for all the purposes of the intended new Courts and buildings connected therewith, and that the probable cost of the said lands and buildings will not exceed the amount of the funds provided under the Courts of Justice Building Act, 1865, for those purposes."

The sum referred to is £1,500,000. It seemed to me as if the ground had given way under my feet when we compared these two statements. I next referred to the debates which had preceded the passing of those Acts, and I find that my hon. and learned Friend (Sir Roundell Palmer), who at present urges us not to stop at any expenditure, delivered an excellent speech, in which, after remarking that the cost of the site and the building would be £1,500,000, said that was, no doubt, a considerable sum of money, but that the House would think it well and economically spent if they could obtain for it so important a public benefit as the proposed building. On the second reading of the Bill my hon. and learned Friend returned to the charge, and said—

> "Of course, every one is aware that when you begin to build you may, if you choose, exceed any estimate which can, under any circumstances, be made; but I believe that the Treasury are fully determined, as far as in them lies, to watch narrowlyver the execution of these works, and to take all proper measures to check the expense, and to prevent any extravagant expenditure upon mere ornament or decoration, as distinguished from actually useful work, without which there is reason to believe that there will be no danger of the estimate being exceeded." — [3 *Hansard*, clxxvii. 303.]

And that is the speech of the same person who now urges us to go on with an expenditure which is estimated at present at £3,250,000,—an estimate which is certain to be largely exceeded, and about which I shall have a word or two to say by-and-by. It was enough to frighten anyone to read that Act of Parliament and those speeches, and then to be informed that the sum required would be so enormous. I will tell the House what course I adopted when these circumstances came to my knowledge, because I am aware that in following that course I took upon myself a heavy responsibility. The House is aware that the Royal Commission was composed of most eminent persons, whose judgment in other matters I should be bound to respect, but who could not possibly go into the necessary details which would enable them to form a sound opinion on this question, and who were therefore obliged to rely on the statements of other persons. The Act of Parliament says that the Treasury and the Royal Commission must concur in what is to be done, and the first thing I did when I came into Office was to refuse my assent to the expenditure of the £668,000 which it is now proposed to lay out upon the purchase of additional land. I went to the Commission, and I read to them the very section which I have read to the House, and said that the appearance of the thing was so startling that I thought my duty would be best performed by checking all expenditure until the determination of the House upon the question should be known. I may say that, had it not been for the heavy engagements of the Session, the decision of the House would have been taken upon the subject before this time. That is the responsibility I have taken upon myself in this matter, and it is for the House to-night to decide the course that shall be taken with regard to it. I will now proceed to point out what I believe to be the real nature of the situation in which we are placed with reference to this question. The estimate I have mentioned amounts to £3,250,000, and to that must be added a further sum of £108,000 for expenses incurred by the Royal Commission, and £27,000 to Messrs. Field, making together a total of £3,385,000. I must, however, point out that this by no means pretends to be a final estimate—it is what is called, I believe, "a sketch" estimate—being, in fact, only a guess on the part of the architect, whom it would be unfair to hold bound to it, inasmuch as he has not as yet had an opportunity of going through the details of the work, and therefore of estimating with accuracy its precise cost. But besides that, it is mentioned in this very account that certain other lands called, I believe, "Cook's Block" must be purchased before the proposed site can be available for the purpose for which it is intended; and of the probable cost of the additional land there is not even an estimate, but I apprehend that it will amount to a considerable sum. Then there further remains the vexed question of the approaches. I do not want to exaggerate matters upon this point; but hon. Members speak of these approaches as if the formation of them was optional. I can assure them that such is not the case. The Strand is called "the great artery of London, through which flows the full tide of life," and so on; but I can assure hon. Members that I have a friend who lives at the east side of Temple Bar, and when he wants to go to the West End, he goes up Chancery Lane, and across Lincoln's Inn Fields, and so on through Covent Garden, in order to avoid the unpleasantness of proceeding along this great artery. Now, of course, looking at the question in the view taken by the hon. and learned Member for Richmond —for, of course, in that view all mankind are made for the benefit of the legal gentlemen — the inconvenience of the public will be a matter of but small consequence so long as they themselves can walk, almost at a hop, from their chambers to the Courts; but the hon. and learned Member must excuse me if I take a more cosmopolitan view of the question. We have to consider not only the convenience of the lawyers, but also that of the jurors, that of the witnesses, that of the litigants, and that of those persons whom curiosity or interest may induce to become spectators of a trial; and, looking at what are likely to be the numbers of these various classes, we must come to the conclusion that it is impossible for a Court of Justice to properly discharge the province for which it is intended unless we provide good access to it—not only streets which can be got to and through, but also such access to the building itself as may not put an unnecessary strain upon weak or aged people in coming to the place where justice is administered. Neither is it unreasonable that we should endeavour to provide for the safety of the people frequenting the Courts. I find that in the proposed plan for building the Courts of Justice upon the Carey Street site there are no less than sixty steps—[An hon. MEMBER: 100 steps.] Well, 100 steps, but sixty are enough for my purpose, between the Strand and the floor of the Courts. What would be likely to be the result, in the event of the people leaving in a dense mass after the verdict in a case exciting considerable interest had just been given, and having to descend sixty or 100 steps? In such a case accidents would be almost certain to happen. All these things have to be taken into consideration in determining which is the best site for a building of this description, and therefore it is that I say that, on whatever site the building may be erected, we must take care that the approaches to it are adequate. Now, the Metropolitan Board of Works is not at this moment rich, and even if it were we could not force it to make the approaches, and we could not go on without them. If we are to make adequate approaches to the site in Carey Street from Holborn and the West End, I think I may say that we shall be fortunate if the actual cost of the new Courts, if built on that site, does not exceed £4,000,000. That is the proposal of the hon. and learned Member for Richmond. Now, I being charged — however unworthy I may be — with the financial business of the country must enter my protest against an expenditure of that magnitude. I hold it to be an entirely unnecessary expenditure. I hold that the view the House took when it put the clause into the Act requiring a certificate that the building should be made for the sum of £1,500,000 was sound; and I think the hon. and learned Member for Richmond would be using his influence in this House much better if, instead of urging us to sanction an expenditure of that sum multiplied manyfold, he would ask us to retrace our steps, and refuse to allow the sum which was originally deemed sufficient to be exceeded. I put the question as a question of economy, and as such the House must consider it. It is a question of the amount of money which the tax-payer will have to provide for this purpose. But, it may be reasonably asked, how is it that the sum said to be required for the purpose of carrying out the intention of the House has been growing from £1,500,000 to £3,385,000, with the probability that the latter sum may be still further increased by an indefinite amount? It is simply for the reason which the hon. and learned Member for Richmond has been pressing upon the House, and upon which no lawyer will differ from him—namely, the desire that exists for concentrating the Courts, and everything connected with them, however slight the connection may be, in the same building. As far as the mere concentration of the Courts and of their immediate offices, such as the Judges' chambers, the Masters' offices, the offices of the Chancellor and the Vice Chancellors and others are concerned, I am willing to agree with him. I believe that if the desire for concentration were limited to those offices, or even to one-third more, that the original estimate would never have been exceeded. But, instead of being content with this reasonable proposal, what has happened? Why, we have been seized with what I may call a sort of frenzy of concentration. We seem to think that we must concentrate everything. It has been said that the English are a people who have good ideas, but they never know when they have had enough of them. Having got this idea of concentration into our heads, instead of being content with making a mere place for the administration of justice, we have set ourselves to work to build a sort of Tower of Babel, which will be the centre of noise, tumult, and confusion; through which only an *habitué* will be able to make his way, and in which every species of disorder is likely to prevail. In fact, it would be the very paradise of thieves and pickpockets. Under these circumstances, I ask the House whether it is wise to multiply our difficulties by adding to the necessary offices immediately attached to the Law Courts a number of offices that are only remotely connected with them? It has been held out as a great fact that we are going to remove the Accountant General's department—a department which is in reality a branch of the Bank of England—to the new building, and that we are going to remove, under the same roof, all the wills of all the testators in England, because now and then a will forms the subject of litigation. These are only specimens of the absurd spirit of headlong extravagance upon this point that possesses us. So far from this system of concentration proving a convenience, I am satisfied that it will work most disadvantageously. It cannot facilitate the administration of justice to form a sort of gigantic Vanity Fair, in which everything is to be collected and piled up one on the top of the other. I earnestly ask the House to retrace its steps, and to go back to the more moderate and wiser views they held only four years ago. This is the view which I felt it to be my duty as Minister of Finance to lay before the House; and I have to warn them that, if they launch into the headlong expenditure which has been proposed, they will be embarrassing the finances of the country for years, and will hamper, by those operations, means by which I hope it may be possible to lighten the burdens of the people. There is another point on which, as Chancellor of the Exchequer, I feel bound to touch. A great deal has been said about the public having little or nothing to pay for this matter, as the whole charge will be borne by a tax upon suitors, except the sum of £200,000 which the Government will have to contribute in consideration of the rent of certain offices. Now, I am bound to tell the House that no greater fallacy than that can be put forward. The state of the matter generally is this—I admit that the fees and payments by suitors are, to a certain degree, fairly stamped with a sort of trust that they shall be employed in the administration of justice; that idea has been generally acted upon by this House, and I am not concerned to dispute the propriety of it; but the House may not be aware that we are about to introduce a measure this Session which will transfer the fee fund of the Court of Chancery to the revenue, and bring on the revenue all the charges connected with the Courts, which will appear, for the first time, in the Estimates next year. The Judges will then be no longer able to impose charges without the consent of the Treasury, and the salaries and the pensions they give will be subject, like any others, to the review of Parliament. Premising that, I beg the House to note it before they give ear to the stories told them about the relief to be obtained from the suitors' fee fund. I will give the state of the account of the fund derived from fees, savings, and other matters of that kind for the administration of justice, and the cost of that administration; and the application of the facts will be easily seen. On the suitors' fund, the suitors' fee fund, the salaries' fund, there is a surplus of revenue over expenditure of £7,703. In the Superior Courts of Common Law there is a surplus of £16,000; but that is in rapid course of diminution through the operation of the Act passed last year extending the jurisdiction of the County Courts. In the Court of Bankruptcy there is a surplus of £5,000; but I should think that likely to disappear from what we know of the abolitions and compensations to follow the best-intentioned Bankruptcy Bills. On the Court of Probate there is a deficiency of nearly £74,000; on the High Court of Admiralty there is a deficiency of nearly £4,000; and on the Land Registry Court there is a deficiency of £4,300. The result is that the expenditure on these Courts exceeds the funds provided from these sources by the sum of £53,000 a year. I now wish the House to consider the account rendered by the Commissioners, on the 21st of July of last year, on their Ways and Means for meeting the further expenditure of £3,250,000. First, there is the Chancery contribution of £1,000,000 stock which has realized £900,000; that is, of course, spent and done with. Then there is the £200,000 granted by the Government in consideration of the buildings which are to be vacated by placing these offices in a single building. Next, there is the produce of the sale of £201,000 Consols out of Chancery, but from this part of the £7,000 surplus has been derived, and when you have sold that £201,000 of Consols you will have diminished the receipts of the Court of Chancery, and I shall have to provide for a deficiency of £7,000. Therefore, it is exactly the same, except for the look of the thing, as if you took the money out of the taxation of the country. The next item is Bankruptcy Stock, £271,000; that again is part of the assets, the income from which goes to keep down the expenditure of the country; if you take it away I shall lose the income from that also, which will make the deficiency still larger. The same with regard to the £177,000 of unclaimed dividends, in respect of which also you will increase my expenditure by diminishing my revenue. There is a tax to be imposed on the probate of wills—a proposed rent of Courts' fee of 1*s.* per £100 to be imposed on probates and administrations, which it is estimated will produce £46,000; but that is clearly an Imperial tax; we tax probates already; if anybody ought to tax them it should be this House. That item must, therefore, clearly be struck off. What results from all this is that the Commissioners tell us they expect us to lend them a sum of £1,395,000, for the purpose of making up £3,250,000, which is to be redeemed by an annuity at 4 per cent for fifty years, paid mainly by these taxes on probates. So we are to tax the people to pay an annuity which we lend; we are to lend the money and tax ourselves to repay the loan we lend. That is the state of the finances. We must not, therefore, deceive ourselves by supposing that this money comes out of these funds; it comes out of the general revenue of the country; we must make up our mind to that. I believe I have stated, as nearly as I can, the precise position in which the matter stands. I have suspended the purchase of land; I have stopped all the operations I could, awaiting the pleasure of this House; it remains to be seen what that pleasure is, and I have only to suggest what I believe ought to be their preference. With every respect for the Royal Commission, I believe it has now performed all its functions; it has gone through the whole matter; it has reported upon it and made its recommendation of this building and this expenditure. I do not speak in any spirit of irony at all; but I do not think that anything remains for it to do which it was contemplated it should do. Things have certainly arrived at this point, that the Treasury and the Commission are unable to do what the Act of Parliament said they should do—namely, to concur upon this matter. I differ from them most distinctly; and I do not think I should be doing my duty to the taxpayers if I did not express that difference without the slightest hesitation. I therefore venture to suggest to the House that which I wish to see done. It is that we should put an end to this double authority; that as the Chief Commissioner of Works must have the management of this matter, as the Treasury must really find the funds, and as it is a delusion to suppose that any peculiar fund is at the command of the Commission, you should give back the power to the hands of those who must really do the work and must be responsible for it, and give us power to act without the consent of the Commission. We are now at a dead-lock, and therefore we ought to relieve the Commission of their duties, and give back to the Treasury and the Frst Commissioner of Works the power of dealing with this business. I cannot see any other way out of the difficulty. Again, I earnestly press on the House not to plunge into this vast expenditure, to "rather bear the ills we have," than go to such an extremity as this—at any rate, to give back the power to those who are directly responsible for its use. Having said so much, I should not discharge my duty if I did not say what use we propose to make of the power if it be given us. I have expressed my very strong objections to the proceedings of the Commission. I think the building proposed altogether outrageous; I ought also to state, in justice to the Commission and everybody concerned, that what has been done has been done with perfect legality. After the Commission was appointed an Act was passed which appears to have undergone no discussion in any part of its course, and which undid what was done by former Acts, and gave complete power to the Commission and the Treasury together to alter and enlarge their plan, and gave an annuity to meet any expenses the Treasury and the Commission might deem necessary. I do not attribute any blame to the Government for the passing of that Act, because, of course, they could not make people take notice of it if they did not choose to do so. My belief is that Act was as unknown to most people as it was to me; and therefore it comes upon us by surprise. I earnestly hope the House will not go on with this enormous building. I earnestly hope they will re-consider the question altogether and cut down the enormously inflated estimates they have to something like the modest simplicity at which they started. I have stated incidentally my objections to Carey Street; they will be stated much better by my right hon. Friend the First Commissioner of Works (Mr. Layard), when he addresses the House. I think we want for Courts, air, light, quiet, and accessibility; all these things are not to be found in Carey Street. I think my hon. and learned Friend argues too much upon the assumption that because a number of legal gentlemen have thought fit to encamp themselves and take up their residence in one of the worst and lowest parts of London, we are bound to follow them. I am not at all prepared to accept that conclusion. It is assumed by some that there are only two alternatives before us; and that if we do not ruin ourselves on the north side of the Strand we must do so on the south side. I do not acquiesce in that; it seems to me we have bought Strand frontage enough in this matter. I can imagine no more melancholy spectacle than the British tax-payer walking along the Strand, with the knowledge that north and south frontages have been bought by Parliament for a building which can be only on one side. Therefore I cannot give my consent, and I hope the House will not do so, to the proposal to go to an enormous expenditure by buying a south frontage. I believe that the cost of such a purchase as is contemplated by the plan identified with the name of Sir Charles Trevelyan will be £2,000,000, and I hope sincerely we shall not go into such an extravagance as that. Is there no other alternative? Cannot we hope that it is possible to do all we reasonably want to do, and yet not very far exceed what we originally intended? I think it is perfectly possible. It seems to me—and I do not speak unadvisedly, but on the opinion of very competent persons—that we can do so. There is a street called Howard Street, which is situate midway between the roadway of the Embankment and the Strand, and which runs from Arundel Street to Surrey Street. The frontage of the Strand is, of course, very valuable; but I am informed that between Howard Street and the Embankment the property is not valuable, consisting as it does of premises which have been left derelict by the Embankment. I am told that a site there can be purchased for £600,000 and that on it, buildings comprising all the Courts with their auxiliary offices and other offices besides, can be erected for a sum of £1,000,000. If that estimate were not exceeded—and I hope it would not be—you would have the site and the buildings for £1,600,000, or only £1,000,000 more than the sum originally estimated for the building. I need not point out to the House the advantages which the site would have in the way of approaches by road, by railway, and by the river. It would have communication with the Strand by several streets, and access to it by bridges and other means could be constructed if necessary. As the building would not open to the Strand, it would not require a frontage of a very expensive or ornamental character on that side, but on the Thames side there must, of course, be a very ornamental frontage. I am not myself a *dilettante*, or a man of high imagination, but there was a *dilettante* and a man of imagination, an obscure individual called Inigo Jones, who lived 200 years ago. He gave a plan of a palace to Charles I. It consisted of a quadrangle, and was to have been placed between the river and the Horse Guards. A façade 150 feet long was to have formed a portion of the building, and it has been the admiration of every person since Inigo Jones designed it. By extending that plan a little the House might produce a beautiful building with a façade in the style of the palace, the erection of which was interrupted by the Civil War. It is for the House to say whether they will adopt this scheme. I mention it as my contribution to the suggestions on this subject; and though my business is with money and figures, I ask the House to give a favourable consideration to a scheme which is the result of much consideration and of many laborious inquiries. If it should not meet with their approbation, let them dismiss it; but whether they approve it or not, I ask them not to go back to a career of extravagance. I think that rather than do so they should do without a new building altogether. At all events, I have conscientiously done all in my power to prevent the House and the country from entering into this enormous expenditure without seeing what they were doing. I hope we shall perform our duty by looking carefully into the question and doing efficiently what is really required, while, at the same time, we do it with that economy which is only due to our constituents. [SIR JOHN PAKINGTON: What do you propose to do with the Carey Street site?] I am much obliged to the right hon. Gentleman for reminding me of the point. My opinion is that the Carey Street site will form no exception to the ordinary rule. By a little patience and a little care we may dispose of it well. But if we force it on people—if we go about begging of people to buy it—we may have to throw it away. Let us for a while bear the loss of interest on the money; let us see what will be the effect of the buildings on the Embankment and of the railway from Brompton which are spoken of. If these works are carried out, the site is likely to become more valuable. But, at all events, there is nothing more true for statesmen as well as for merchants than that it is a good thing to know when to make a loss. It is not because we have already expended too much that we should go on headlong in that expenditure; it is not because we have already expended £900,000 we should go on and throw £700,000 more after it. I have been assured, by some of as good authorities as there are in London, that the building between Howard Street and the Thames can be erected for the sum I have stated. I would, therefore, ask the House to pause to consider. Whether we are to dispose of the Carey Street site through that financier of whom we heard in the early part of the evening, or in any other way, I am certainly of opinion that we ought to pause in the career of extravagance on which we have entered, and not throw good money after bad.

MR. HENLEY said, the right hon. Gentleman the Chancellor of the Exchequer had raised a completely new issue, and it seemed to him that it would have been better to have done so earlier in the evening. Hitherto, they had been discussing the probable advantage of a change of site, or of going on with the old one; but the right hon. Gentleman had suggested a plan on which it was difficult to decide at this instant, but which was certainly of a style altogether different, and affording much less accommodation. Five or six years ago the House was pressed to sanction large operations as a necessity. The case was carefully investigated, and large sums had been already expended in carrying out the plan then laid down. It was alarming to reflect how the expenditure, past and future, had gone on increasing, until the figure of £3,000,000 was exceeded. The public was now urged to put up with less accommodation and less grandeur; but, considering the expectations which had been raised, and the evidence they already had of the rapid growth of plans with the progress of business, it was difficult to believe that the public would be content as they were asked to be. If it should turn out that they were not contented, and that with an indifferent building they had less accommodation than was required, then what sort of an economy would they have effected? Considering the length of time which had already passed, he had been prepared to say that the moment had come when they should do something, and make an effort to obtain some practical return for all the money already spent, as well as for the labours devoted to the consideration of the question. But what security had they that under this new plan the £1,500,000 would not, in a few years, have swollen to £3,000,000 or £4,000,000. It was enough to alarm anybody to see how the Estimates had swollen; and did they believe that another delay of five years would make them less? See what the public offices were, and how every year people wanted accommodation, of which five years ago they never would have thought. The right hon. Gentleman the Chancellor of the Exchequer thought that a moderate building would be sufficient; but the legal profession—to say nothing of the public — was one that managed to make its voice heard. He thought this question had assumed such a new aspect that it was hardly fair to ask the House to come to any decision; and, indeed, it would have been well if the right hon. Gentleman had himself moved the adjournment of the debate. An issue, of a character completely new, had been raised. He hoped he was justified in the belief that the Government considered that he took the right view in not asking the House to come to an immediate decision. Thus an opportunity might be given for considering the proposal of the Government, and the consideration of saving about £1,500,000 was not one to be lightly cast aside. That was a temptation so great that he should be glad to have it considered. He hoped there would be no endeavour to force on a conclusion that night. He begged to move that the debate be adjourned.

Mr. CRAWFORD, in seconding the Motion, said, the right hon. Gentleman the Chancellor of the Exchequer had given the House some very good advice; but he entirely agreed with the right hon. Gentleman opposite (Mr. Henley), that that advice had come very late in the evening, and he exceedingly regretted that they had not had an opportunity of learning the views of the Government at an earlier period. The course now pursued savoured of taking the House by surprise. He had come down there with the intention of taking some part in the discussion on behalf of his constituents, and he must say that, to a great extent, a valuable evening had been wasted. As to the new proposition of the Chancellor of the Exchequer, he thought he would be a bold man who, after the experience they had had with respect to the Carey Street site, would place the slightest confidence in it. He agreed now in the proposal that the debate should be adjourned; or, perhaps, the better course would be to withdraw both the Motion and Amendment, and throw the whole responsibility upon the Government.

Mr. GLADSTONE said, that the Government would, perhaps, be open to the charge which had just been made if they had shown any disposition to force a division, but they had not indicated such a desire. On the contrary, they quite approved of the proposition of the right hon. Gentleman (Mr. Henley) that the debate should be adjourned, and he would go further and say that, in their opinion, that would have been a reasonable proposal even if the speech of his right hon. Friend the Chancellor of the Exchequer had been made earlier in the evening; because if it had been so made it would not have placed the House in a better position to decide the question to-night, and he even thought that the position of the House would have been worse. The right hon. Gentleman (Mr. Henley), who had been a faithful attendant during the evening, would remember what had passed. His hon. Friend (Mr. W. H. Gregory) and his hon. and learned Friend (Sir Roundell Palmer) both occupied some time, and when his hon. and learned Friend sat down towards half-past seven o'clock the House had thinned to such a degree that if the Chancellor of the Exchequer had then risen to state the views of the Government he would have defeated his own purpose. His right hon. Friend had been in attendance the whole evening for the purpose of stating these views, and if any blame attached to anybody it was not to him alone, but to those of his Colleagues who advised him to postpone his statement until it could be made before a reasonably full House. On the part of the Government, he cheerfully assented to the adjournment of the debate.

Sir ROUNDELL PALMER said, he wished to address a few words to the House, because he thought his right hon. Friend the Chancellor of the Exchequer had, no doubt unintentionally, put him in a false position with the House as to some of his observations. The Chancellor of the Exchequer had put the case as if he (Sir Roundell Palmer) had been urging the House to launch into the large expenditure which he deprecated. Now his Amendment was carefully expressed in terms which left upon the Government the responsibility of determining whether or no it would approve that extension of the scheme which had undoubtedly been recommended by the Commission. He did not propose that the House should buy more lands; but he did propose that, if they were necessary, they should be bought in immediate proximity to the Carey Street site. He confined himself strictly to the question of site, and while explaining how it was that the Commission had been led to recommend this increased expenditure, which had not yet been incurred, he said it was for the Government to determine whether or not they would accept that plan, whether they would or would not incur that large expenditure, and whether they would raise money by the means proposed. He did not take upon himself to anticipate the determination of the Government on those points, or to urge upon them that particular plan.

Lord JOHN MANNERS said, he thought the adjournment was imperatively called for, but that it ought to be merely a formal adjournment, for he could not think that any good would result even if a day could be obtained for bringing on the discussion. The plan of the Chancellor of the Exchequer was one which it was impossible for the House to discuss now with anything like a prospect of arriving at a profitable conclusion. The Chancellor of the Exchequer having recommended that the Commission should be abrogated, and that the whole thing should be taken in hand by the Government, this should be a formal adjournment; and he hoped that the Government would submit a scheme which would enable the House to arrive at a sound decision upon the subject.

Mr. W. H. GREGORY said, he would not object to the adjournment of the debate, but he would like to have some explanation as to the course which the Government intended to take. The less time the matter was hung up the better; as if anything were to be done, it would be necessary to give the notices for the new land to be acquired.

The CHANCELLOR of the EXCHEQUER said, he quite accepted the propasal of the noble Lord (Lord John Manners) to consider this adjournment as really throwing upon the Government the duty of making, with as little delay as possible, some definite proposal upon this subject.

Debate *adjourned* till *Tuesday* 18th May.

IRELAND—DUBLIN ELECTION.

MOTION FOR A COMMISSION.

Mr. O'REILLY, in rising to move that an Address be presented to Her Majesty praying that She would order a Commission to be issued to inquire into the existence of corrupt practices at the late General Election for the City of Dublin, took occasion to explain that he had given notice of the Motion before he had any communication with his right hon. and learned Friend the Attorney General for Ireland on the subject, and briefly stated the facts of the case to show that corruption had extensively and systematically prevailed at the election in question. It had been positively decided in that House that the decision of the Judge should be accepted, whenever he reported that corrupt practices had extensively prevailed, and that a Commission should consequently issue. The petition against the return of Sir Arthur Guinness had been tried by Mr. Justice Keogh, who must be well remembered in that House, which he had adorned by his eloquence, and who since his elevation to the Bench had conferred honour upon it by his clear and lucid decisions. The candidate against whom the petition was presented was the son of one of the previous Members, a distinguished citizen of Dublin, and might fairly hope to represent the constituency without resorting to any unworthy means to secure that object. The first fact, however, which was brought under the notice of the Judge was that a very large amount of money had been expended for the purpose of securing Sir Arthur Guinness's return. The total number of the constituency of Dublin was 12,800, of which number 5,587 polled for that gentleman, in obtaining whose votes 800 paid agents were employed. The total amount expended on the election by Sir Arthur Guinness, including the expenses of the registration immediately connected with it, was £15,850. The remark of the Judge on so large an expenditure was that it was impossible money could be scattered broadcast in that way and to expect that corruption would not be the result. It was satisfactory to find that, so far as a class of voters were concerned of which the House seemed to entertain some apprehension when the Reform Bill was being discussed—he meant lodgers—the cases of corruption were extremely few. One thing remarkable in connection with the election was that there was in existence an organization which pointed directly to corrupt practices. There were ward committees in every one of the wards. There were presidents and vice presidents, secretaries and assistant secretaries, and there was scarcely any committee which did not number among its members a clergyman or a staff officer, all of whom were paid. The colonel had his car-hire given him, and the captain, who canvassed, got his weekly wages, which increased as he went on. There were, as he had already stated, 800 paid agents employed, and that circumstance brought him to the first and most remarkable means of corruption resorted to. Voters could not, of course, expect to be paid, and Mr. Thomas Fell White, a solicitor, was forced to have recourse to a very ingenious plan to obviate the difficulty. Every voter employed as a canvasser was called upon to sign a declaration that he would accept no payment for his services; but that declaration, with his name and residence, was to be carefully recorded and kept for the purpose of future reference after the election was over. About 300 or 400 of those documents were, it appeared, recorded, the natural conclusion to be drawn from the fact being, as Mr. Justice Keogh had observed, that the system was resorted to with the view that the persons who signed them should receive some consideration after the election. It appeared, moreover, that some of the poor working men, who were employed to canvass gratuitously, were sent to canvass the Provost of Trinity College. The next form of corruption resorted to had reference to the correspondence as to the payment of travelling expenses with out-voters, of whom Mr. Williamson was employed on behalf of Sir Arthur Guinness to make out a list; but it seemed that the box in which the correspondence had been kept had mysteriously disappeared. A telegram was sent to every out-voter in the name of James William Johnson, and all the telegrams sent professed to be in reply to letters received. It had been ascertained that seventy of the persons telegraphed to in this mysterious manner went up to Dublin and voted for Sir Arthur Guinness. Then came the question as to the systematic corruption of the freemen through the medium of the Freemen's Guilds. This was not the first time that the freemen of Dublin had been censured for corruption. In 1857, there was a Committee of that House investigating the election of Dublin, which reported that the sitting Members were duly elected, but that a certain proportion of the freemen voted under the expectation that they would be paid for their votes. Hopes were held out to many that they would be paid after the period for the presentation of a petition to the House had expired. At the last election, he might remark, 2,000 out of the 2,600 freemen recorded their votes for Sir Arthur Guinness. As Mr. Justice Keogh remarked, in delivering his judgment, the most extraordinary care appeared to have been taken of these freemen. The hon. Gentleman was proceeding to quote from the judgment especially in reference to the proceedings of a man named Robinson, when—

Mr. GATHORNE HARDY, interposing, pointed out that the judgment had not yet been placed before the House. The hon. Gentleman had again and again quoted what purported to be Mr. Justice Keogh's judgment, of which, however, the House had not at present any authoritative cognizance. If the hon. Gentleman chose to use the document from which he was quoting in support of his argument, he was, no doubt, at liberty to do so; but for his own part he protested against it being quoted as the judgment of Mr. Justice Keogh, which, as the right hon. and learned Gentleman the Attorney General for Ireland had stated, had not yet been placed before the House. He had never seen the judgment, but was anxiously waiting for its being laid upon the table.

Mr. SPEAKER said, that the document from which the hon. Gentleman had been quoting could not be accepted as an authentic record.

Mr. O'REILLY said, he hoped the House would merely regard what he had quoted as if it were his own language. The evidence showed that Mr. Foster, who held a public office, engaged offices in Capel Street, hired a man named Marquis—which seemed to be Irish for the Man in the Moon—and then whenever a freeman voted he received a mysterious intimation to go to this house, where he passed an old, used railway ticket through a slit in the door, like the slit of a railway station, and in return an envelope was handed out to him containing a £5 note. There was no dispute about these facts, and he wished an inquiry that they might be still further investigated. The Judge had no doubt done his best, but Mr. Foster, who was the prime agent in all this corruption, had absconded, and there were several other agents in the matter who were not examined. In conclusion, the House had frequently had a painful duty to perform, and that was, when extensive corruption had been reported, to deprive of representation in Parliament the place so vitally tainted with it. He regretted that it had been found necessary to deprive an historical borough like Lancaster of its representation through such a cause; and he should, of course, doubly grieve if it should be deemed requisite to inflict such a sentence on the capital of his country. But even if the Commission should be obliged to report the existence of corruption in the great me- facts to which he had referred, he was tropolis of Ireland, in the sense of the glad to think that they might look reasonably forward to being able to address that City in the words addressed by Hamlet to his mother—

> "O, throw away the worser part of it,
> And live the purer with the other half!"

Colonel GREVILLE-NUGENT seconded the Motion.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, as followeth:

"Most Gracious Sovereign,

"We, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, beg leave humbly to represent to Your Majesty, that Mr. Justice Keogh, one of the Justices of the Court of Common Pleas in Ireland, and one of the Judges selected for the trial of Election Petitions, pursuant to the Parliamentary Elections Act, 1868, has reported to the House of Commons that corrupt practices did extensively prevail amongst the Freemen voters at the last Election for the City of Dublin, and that save as reported respecting the said Freemen corrupt practices have not been shown to have extensively prevailed, nor is there reason to believe that corrupt practices have extensively prevailed at the said Election.

"We therefore humbly pray Your Majesty, that Your Majesty will be graciously pleased to cause inquiry to be made pursuant to the Provisions of the Act of Parliament passed in the sixteenth year of the reign of Your Majesty, intituled, 'An Act to provide for more effectual inquiry into the existence of Corrupt Practices at Elections for Members to serve in Parliament,' by the appointment of Stephen Woulfe Flanagan, esquire, one of Her Majesty's counsel, Hugh Law, esquire, one of Her Majesty's counsel, and Charles H. Tandy, esquire, one of Her Majesty's counsel, as Commissioners for the purpose of making inquiry into the existence of such corrupt practices."—(*Mr. O'Reilly.*)

Mr. COLLINS said, he would not follow the hon. Gentleman through the evidence he had quoted, because he held that it was their duty in that House to abide by the Reports of the Judges in these cases; and it was not without pain and regret that he had observed the attempts made on previous occasions to call in question the Reports of the Judges —a course of proceeding which was more likely to bring the House itself into contempt than the eminent persons who had been appointed to try these matters. Lord Lyndhurst, an authority who would be listened to by hon. Gentlemen on both sides, had said in "another place," in regard to another election, that he thought their Lordships had no right to refer to the Report of a Commission or its evidence for the purpose of extending or varying that Report. The Judge who had heard the evidence was far more likely to form a correct opinion as to the course which ought to be pursued than the House could be. Now, the hon. Gentleman asked for the issue, not of an ordinary Royal Commission, but of a Commission under a very special statute, which gave the Commissioners very special powers, and, before such a Commission was issued, they ought to take care that it was not void *ab initio;* that it could legally administer oaths, commit for contempt, and take all the steps necessary to be taken in investigating questions of that kind; otherwise the House would merely stultify itself. If the Commission were void *ab initio*, perjury could not be assigned against any witness swearing falsely before it, and an action for false imprisonment would lie against any person presuming to commit a witness for contempt. Therefore, the House ought to be careful that it acted according to law, and not upon its own fancy in such a matter. One of the conditions precedent required by the Bribery Commission Act was that a Judge must have reported that corrupt practices had extensively prevailed in any county, city, or borough, or that he had reason to believe that such practices had prevailed there. Now, the question was whether the Report of the Judge in the present case was a Report to that effect. Was saying that corrupt practices had extensively prevailed among one class of voters in a particular constituency equivalent to saying that such practices had extensively prevailed among the constituency generally? In other words, was the part equal to the whole? He did not fairly see how the Judges, in a penal statute, could say—"You have fairly set this Commission on its legs." Many Commissions were issued under that useful Act; he believed there were fourteen in all; but there was one case which, though not exactly on all fours with the present, yet was very like it, and that was the case of Clitheroe. That case was as bad a one as ever came before the House, and Mr. Milnes Gaskell the Chairman of the Committee reported that there had been wholesale treating, that there had been bribery on a great scale—£40, £50, and even £100 having been given for a vote—and that intimidation also had been employed, bludgeon-men having been hired for the purpose. The words of the Report were—"That extensive and systematic treating, with other corrupt and illegal practices, had prevailed at the late election." Now, it might be said that when it was reported that extensive treating had prevailed, that was equivalent to treating had extensively prevailed; but, according to the Commission Act, treating was not a corrupt practice within the meaning of the statute. The question of issuing a Commission for Clitheroe, however, came before the House; but it was opposed by those distinguished lawyers Sir Alexander Cockburn, the present Lord Chief Justice, and Sir Fitzroy Kelly, now Chief Baron of the Exchequer, on the ground that the words of the Report were not such as to justify the issuing of a Commission. The House of Commons, however, by 141 to 58, passed the Motion for an Address on the subject, and the concurrence of the House of Lords was invited. In the House of Peers the matter was not viewed through the medium of party atmosphere, and Lord Lyndhurst and Lord Campbell at once declared that the words of the Report were not equivalent to the terms required by the Commission Act. Lord Aberdeen thereupon said he would not proceed with the Clitheroe Commission. After the authorities he had quoted, there could be no doubt whatever that unless the words in the Report were the precise words used in the statute, or equivalent to them, the House had no power in law to issue a Commission. But if they were not to issue a Commission, what were they to do? There were three courses that might be pursued. They might either suspend the Writ, bring in a special Act to disfranchise part of the constituency or the whole, or issue a Commission under a new statute. But with regard to the first course, it would be unconstitutional to suspend a Writ unless with a view to ulterior proceedings. As for passing a Bill to disfranchise a portion of the constituency, that was a course which neither that nor the other House would ever consent to without investigation. Then the only other question was, ought they to have special legislation in reference to this case? He did not say but that special legislation might be required in some instances. The case of Youghal was yet to come before the House, where it appeared that some £5,000 or £6,000 had been spent on a constituency of a couple of hundreds, and a question might arise by-and-by whether special legislation might not be required. But in the case of a large City like Dublin, where there had not been a single Member unseated for corruption, since 1832, it would not be fair that special legislation should be resorted to. He would therefore move his Amendment to the hon. Gentleman's Motion,

CAPTAIN ARCHDALL seconded the Amendment.

Amendment proposed,

To leave out from the first word "That" to the end of the Question, in order to add the words, "Mr. Speaker do issue his Warrant to the Clerk of the Crown in Ireland to make out a new Writ for the electing of a Citizen to serve in this present Parliament for the City of Dublin, in the room of Sir Arthur Edward Guinness, baronet, whose Election has been determined to be void,"—(*Mr. Collins,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. SHERLOCK said, it became necessary to call attention to the circumstances of the case. The Judge reported that over 200 persons had given their services gratuitously; but that the agreement to do so was colourable, and he stated that he had reason to believe that corrupt practices had extensively prevailed amongst the freemen. Now, what were the facts? The freemen numbered 2,600, and, when the Judge reported that corruption extensively prevailed, he was not asking the House to come to an erroneous conclusion when he stated that, within the purview of the Act, the existence of corruption was abundantly proved. The corruption of the freemen was so notorious upon the evidence that it had not been questioned; and when, out of 12,000 voters, it was found that corruption existed amongst 2,000, he thought that a sufficient proof that corruption extensively prevailed.

MR. GATHORNE HARDY said, he entirely adhered to what he had stated upon a former occasion, that if the Judge reported in the terms of the statute, and a Motion was made by the Attorney General in his capacity as *quasi* judicial adviser, to the effect that a Commission should issue as a necessary consequence of the Report of the Judge, the Motion should be agreed to. But on this occasion there was no Motion by the Attorney General, nor did the Judge declare that corrupt practices extensively prevailed in the borough. To resolve that a Commission should issue under those circumstances would be most unjust. The Judge did not say, as had been reported, that 2,600 voters had been found guilty of corruption. It was true there were 2,600 freemen in the borough; and it was true that Mr. Justice Keogh had found that fifty persons had been proved guilty of bribery. These, however, were very different statements from those made by the hon. Member (Mr. O'Reilly). He had been informed that at least 1,700 out of the 2,600 freemen were of the higher class of voters in Dublin, and perfectly incapable of being corrupted. But he did not rely upon this; he could only rely upon what the Judge had furnished to the House—that corruption had extensively prevailed among the freemen—but that was not as much as to say that corruption extensively prevailed in the City of Dublin, the terms in which the Report should have been framed before a Commission should issue under the Act. Not content with that, however, Mr. Justice Keogh added that corrupt practices did not extensively prevail in the rest of the City. Would the House, then, subject the whole of the people of Dublin—innocent as well as guilty—to the expense of a Commission—for the expense would fall upon them—because of the improper conduct of a few freemen? Besides this, a great number of the freemen would escape the expense because they were non-resident. He was putting the question simply as a legal question, and a question of justice. He would ask if the Government had placed the matter before the Lord Chancellor so as to know whether his opinion was that the case was so clearly within the statute as to justify the issuing of the Commission? His reading of the Act led him to the conclusion that the Act would not justify the issue of a Commission. But apart from this he deprecated all discussions upon these questions; they would inevitably lead to the raising of most painful subjects. Practically, cases of bribery had already been raised, and it was most imperative that the House confined itself to the Report of the Judge.

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) said, that the right hon. Gentleman (Mr. Gathorne Hardy) had stated that this was not a Motion by the Attorney General. Now, the Motion was placed on the table before the evidence was printed. It was not given with his assent, and, in his opinion, it was given too soon. But the Notice being on the table, he thought it would have been unreasonable to take it out of his hon. Friend's hands. The Notice having been given, and the Report of the Judge being now before the House, he begged it to be understood that he supported the Motion just in the same way, and under the same responsibility, as if he had given the Notice himself. Taking upon himself that responsibility, he begged to say a few words on the subject, which was one of vital moment. The hon. Member for Boston (Mr. Collins) was incorrect in his statement on two or three points; and especially in his statement that the House never acted in respect of a particular class of the constituency without inquiring into the whole. The freemen of Great Yarmouth were disfranchised by Act of Parliament without inquiry beyond the Report of the Select Committee. The learned Judge had not yet reported on the Youghal Election, and that illustrated again the great inaccuracy that pervaded the hon. Member for Boston's statement. The terms of the Act of 15 & 16 *Vict.* were to the effect that a Commission of Inquiry should issue upon the Joint Address of both Houses to Her Majesty, stating that a Committee of the House of Commons had reported that corrupt practices extensively prevailed, or that there was reason to believe that corrupt practices extensively prevailed at any election, &c. The words of the statute were not that corrupt practices extensively prevailed throughout the constituency, but that corrupt practices extensively prevailed at any election. But, according to the argument of the right hon. Gentleman the Member for Oxford University, if the freemen constituted the whole constituency, with the exception of one voter, and if the Judge reported that corrupt practices extensively prevailed among the freemen, a Commission of Inquiry could not issue, because one voter happened not to be a freeman. [“No!”] That was the logical conclusion of the right hon. Gentleman's argument; and, in order to test it, he put that extreme case. In the case of Clitheroe, which had been referred to, there was extensive and systematic treating, with other corrupt practices. One tailor was proved to have been bribed with £30. There was but one case of bribery, and extensive treating was held not to be corruption within the meaning of the statute. But what a libel it would be on their legislative proceedings if, when the Judge reported, in reference to an election where the votes were pretty evenly balanced, that among 2,700 freemen, he believed that corrupt practices extensively prevailed, no action could be taken by that House in the matter. That was not the law, he was glad to say. He had consulted with the Attorney General and Solicitor General for England, and they concurred with him in thinking that the Report in this case of Dublin was a Report of corrupt practices under the statute. In answer to the challenge of the right hon. Gentleman, he believed he could say that the Lord Chancellor had also been consulted on the matter. The Motion had been made with the greatest deliberation and under the gravest sense of responsibility. The learned Judge who tried the petition reported that out of the number of the constituency, 2,700 were freemen, and that almost the whole of them voted for Sir Arthur Guinness and Mr. Plunket, and he had found that he had reason to believe that corrupt practices did extensively prevail among the freemen voters at the last election for Dublin. Now, if the learned Judge had left out the words “freemen voters,” his report would have been in the very words of the Act, and the putting them in did not make it the less so. They formed an important part of the constituency, and the learned Judge, by his Report, meant that corrupt practices extensively prevailed amongst an extensive portion of the constituency. They were not to be hair-splitting on the words of the Act of Parliament; and, as a lawyer, he rose superior to such miserable quibbles; it was a reproach to the legal profession that they could not take an enlarged view of an Act of Parliament, but he rose above it on that occasion. What was the meaning of the words in the statute—“Reason to believe that corrupt practices extensively prevailed?” They were inserted in the statute because it was not easy to trace actual bribery except among a certain number. There was no doubt that there were many respectable men among the freemen, but they might be registered as leaseholders and householders, and by remaining on the freemen's list they only served to cover the delinquencies of the corrupt. The election of Dublin hung upon a balance, and the learned Judge found that corrupt practices prevailed to the extent that he had named. If the right hon. Gentleman the Member for Oxford University had expressed a wish to have the Report of the learned Judge he (the Attorney General for Ireland) would have moved the adjournment of the debate. [MR. GATHORNE HARDY: I applied to the hon. Member at an early period of the evening.] He was then ready to move the adjournment of the debate if the House desired it, because he desired very much to see the learned Judge's Report. It appeared, from the notes of the evidence, that the wretched men who were bribed immediately after they had voted went into a lonesome place and there had a used railway ticket handed to them. One of the witnesses stated that when he got the ticket he was told to go to 76, Capel Street, where a man was waiting, who pointed to the door of the parlour. The witness went in, and was told to knock at a door, one of the panels of which was broken at the top. A hand was put out, and he gave the ticket, when an envelope, with a £5 note enclosed, was handed to him. Witness after witness deposed to this miserable organization, and if these corrupt practices were not inquired into they might as well shut up the statute book.

MR. STAVELEY HILL expressed his sorrow that he was not able, like the learned Attorney General for Ireland, to rise above the miserable quibbles of an Act of Parliament. He would endeavour, notwithstanding the excited harangue to which they had just listened, to bring the House back to consider that what they were now doing was to discuss, as accurately as they could, the absolute meaning of an Act of Parliament, by which the Commissioners, if a Commission should issue, would, most certainly, be bound. If the Commission issued irregularly, it would spread at once that it was invalid, and the orders which the Commissioners might issue would be disobeyed. It was most essential, therefore, that the matter should not rest on what the Attorney General believed to be the opinion of the Lord Chancellor, but upon something far higher. If the House would be well advised, let them consider the proper construction of the Act. By Section 15 of the Election Petitions Act, which was passed last year, and which was identical with the provision of the Corrupt Practices Act, it was enacted that if a Judge stated in his Report that corrupt practices had extensively prevailed, or if there was reason to believe that they had extensively prevailed at the election, the House might promote an Address for a Commission. Now, Mr. Justice Keogh thoroughly understood what he was about when he drew up his Report, and in that Report he absolutely negatived the idea of corrupt practices having extensively prevailed by the words—

> "And I do further report that, save as I have reported respecting the said Freemen, corrupt practices have not been shown to have extensively prevailed, nor is there reason to believe that corrupt practices have extensively prevailed at the Election to which the said Petition relates."

He found that a considerable number of freemen had been bribed. He said—

> "I have reason to believe that corrupt practices have extensively prevailed among the Freemen Voters at the said Election for the County of the City of Dublin."

And he absolutely laid down to what extent corrupt practices did prevail among the freemen voters. He said that fifteen persons whom he named, and twenty-five who were not named, making up fifty freemen, had been bribed. Why did he name them? Because, under a further section of the Act of last Session, penalties would be dealt out to those named by the Judge. The Judge named the parties who had made themselves amenable to justice, but he found that the borough was not amenable to justice. ["No, no!"] If he did not, for what purpose did he add the words he had quoted?—

> "And I do further report that, save as I have reported respecting the said Freemen, corrupt practices have not been shown to have extensively prevailed, nor is there reason to believe that corrupt practices have extensively prevailed at the Election to which the said Petition relates."

This was really no party matter. The Attorney General, the Solicitor General, and the Attorney General for Ireland, knew that to-morrow morning this matter would go forth to be canvassed by the Bench and the Bar of England and Ireland as to what should be the right construction of the law. He hoped the House would carefully weigh the subject. For himself, he was quite content to be bound by the judgment formed on the view which those on that (the Opposition) side of the House had taken, for he felt sure, after the most careful consideration of the clause, that the Commission could not legally issue under that Act, and except under the Act of Parliament it could not issue at all.

THE ATTORNEY GENERAL said, some allusion had been made to the opinion of the Lord Chancellor upon the subject, and as he (the Attorney General) had been challenged on the point by the late Home Secretary, he might say that he had every reason to believe that the Lord Chancellor entertained the opinion that the Commission could issue. After the very able argument of the Attorney General for Ireland, he did not think it necessary to trouble the House at any length. He himself had no doubt that the Report of Mr. Justice Keogh was in the very terms and according to the letter and spirit of the statute. The Report of the Judge stated that corrupt practices had extensively prevailed in his belief at the last election; and it was not the less a Report to that effect, because the learned Judge had designated the class among whom the corrupt practices prevailed. The Judge designated them for the purpose of directing the inquiries of the Commission. Because corrupt practices prevailed chiefly, or only, among a certain class, was it to be held that they did not prevail on the constituency? If a Judge reported that corrupt practices prevailed only among the voters below £10, or only among the shopkeepers, would any man say that that was not a case for inquiry? And that was not a hypothetical but an actual case, for Mr. Baron Martin, in the trial of the Norwich election petition on which the right hon. Gentleman (Mr. G. Hardy) himself warmly supported the Motion for a Commission, reported that the corrupt practices were principally confined to one class. [Mr. GATHORNE HARDY: I deny that.] Baron Martin reported that corrupt practices extensively prevailed in the borough, and then went on to say, in the next sentence—"So far as the evidence went the voters bribed were of one class—namely, work-people in the receipt of daily wages." The two Reports were, in substance, precisely the same. Would any man say that a Commission ought not to issue unless every class of voters was proved to be corrupt? In that case the law would not apply to any town except Totnes, where he believed every man was bribed. His hon. and learned Friend opposite (Mr. Staveley Hill) said there were less than fifty voters reported by Mr. Justice Keogh as having been bribed; but his hon. and learned Friend had omitted to notice that part of the Report in which Mr. Justice Keogh spoke of 200 voters who had signed agreements undertaking to give their services gratuitously to Sir Arthur Guinness, and which agreements the learned Judge said were colourable and framed with the object of evading the law. Under all the circumstances, he believed the Report was within the Act, and he trusted that the House would take that view of it.

MR. O'REILLY DEASE said, that very few men had given the same attention to the subject of the freemen of Dublin as himself, because about ten years ago he was invited to contest the City. He therefore gave the matter his most anxious consideration. The whole thing lay in a nutshell. There were about 2,600 freemen, about 1,600 or 1,800 of whom were among the most highly educated voters in the kingdom. There were, however, also about 400 of the most corrupt in the world. The House would learn nothing more than it already knew from a Commission. If they abolished the freemen, they would do no injustice whatever to the respectable portion of the body, because they possessed the franchise already in other ways; and the only result would be that, instead of voting in a separate booth, they would mix with their fellow-citizens and vote with them. He opposed a Commission as a waste of time and money.

DR. BALL said, he regretted to be obliged to differ from the Attorney General as to the construction of the statute. It obliged the Judge to find that corrupt practices prevailed at the election if such were the fact, and, although the corruption was confined to a particular class. What the Act contemplated was, that the Judge should find the corruption co-extensive with the borough; and that, if it were confined to a class, the corruption should, nevertheless, bear a sufficient proportion to the whole constituency. The House was asked to take upon itself to limit the inquiry to the corrupt practices of the freemen, although the Act of Parliament gave no such power as issuing an inquiry confined to a particular class. He happened to be familiar with this subject, having been

Chairman of the Bribery Commission that sat in Galway. There was no bribery in Galway except among the freemen; but the Committee reported that corruption extensively prevailed in the borough, and they were justified in doing that because of the proportion of the freemen to the householders. There were 2,630 freemen in Dublin. To 2,000 of that body no one imputed any malpractices; and why should they open an inquiry as to the whole 12,000 electors, which would necessitate an inquiry, not only into the last election, but into the election before, and even into the election before that?

Mr. CHARLEY said, he had no objection to the names of two of the Commissioners—Mr. Stephen Woulfe Flanagan and Mr. Charles H. Tandy—but he did object to the name of Mr. Hugh Law. He occupied a high position at the Irish Bar, but he was the Blackstone of the Irish Catholics; and it was impossible that the Protestants of Dublin could have any confidence in Mr. Hugh Law, when he sat in judgment on the Protestant freemen of Dublin.

Sir GEORGE GREY said, he had listened with close attention to the discussion, and he was not free from some doubt whether the Report of the Judge brought the case within the Act of Parliament. The case was a new one, and the peculiar terms of the Report of the Judge made it one of some difficulty; but, after hearing the opinion of his hon. and learned Friend (the Attorney General) below him, he could not take upon himself to say that it might not be brought within the terms of the Act, because the Judge reported that extensive bribery prevailed, although it was limited to a certain class. He had no doubt as to another question, and that was that, whether it was held that the Judge's report came within the terms of the Act or not, the Writ ought not to issue for the City of Dublin until some means had been taken for purifying the constituency from these corrupt practices. The House might, if it pleased, proceed independently of the Act. At Yarmouth, he believed, when it was shown that corruption had extensively prevailed among the class of freemen, a special Act was passed, and they were disfranchised. It would be casting contempt upon these inquiries, and laying the House open to the imputation of screening corruption, if after the Judge had reported that corruption extensively prevailed within a large portion of the constituency of Dublin, the House were, on the ground that the Act did not permit a Commission to issue, to issue a Writ for a new election, and thus allow those who had been guilty of bribery to exercise the franchise. On this account he would vote with the hon. and gallant Member (Mr. O'Reilly) though he was not quite sure whether it would not have been better, under the circumstances, to pass a special Act authorizing an inquiry as to the corrupt proceedings of the freemen of Dublin.

Question put.

The House *divided*:—Ayes 192; Noes 120: Majority 72.

Main Question put, and *agreed to.*

Resolved, That an humble Address be presented to Her Majesty, as followeth:

Most Gracious Sovereign,

We, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, beg leave humbly to represent to Your Majesty, that Mr. Justice Keogh, one of the Justices of the Court of Common Pleas in Ireland, and one of the Judges selected for the trial of Election Petitions, pursuant to the Parliamentary Elections Act, 1868, has reported to the House of Commons that corrupt practices did extensively prevail amongst the Freemen voters at the last Election for the City of Dublin, and that save as reported respecting the said Freemen corrupt practices have not been shown to have extensively prevailed, nor is there reason to believe that corrupt practices have extensively prevailed at the said Election.

We therefore humbly pray Your Majesty, that Your Majesty will be graciously pleased to cause inquiry to be made pursuant to the Provisions of the Act of Parliament passed in the sixteenth year of the reign of Your Majesty, intituled, "An Act to provide for more effectual inquiry into the existence of Corrupt Practices at Elections for Members to serve in Parliament," by the appointment of Stephen Woulfe Flanagan, esquire, one of Her Majesty's counsel, Hugh Law, esquire, one of Her Majesty's counsel, and Charles H. Tandy, esquire, one of Her Majesty's counsel, as Commissioners for the purpose of making inquiry into the existence of such corrupt practices.

Address to be communicated to the Lords, and their concurrence desired thereto.

INCLOSURE ACT.

MOTION FOR A SELECT COMMITTEE.

Mr. FAWCETT—who had given notice of a Motion for a Select Committee to inquire whether the provisions of the Inclosure Act, 8 & 9 *Vict.* c. 118, so far as they relate to the Labouring Poor, have been duly carried out in the Inclosure Bills annually brought before Parliament; and, further, to inquire whether, in order properly to protect the interest of the public, the Act 8 & 9 *Vict.* c. 118, requires amendment — understanding that his Motion would be agreed to on his consenting to the Amendment which had been proposed by the right hon. Gentleman the Member for South Hampshire (Mr. W. F. Cowper) said that he would accept the Amendment, although it would somewhat narrow the scope of the inquiry.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire whether the Inclosure Act 8 and 9 Vic. c. 118, requires amendment."—(*Mr. Fawcett.*)

COLONEL BARTTELOT said, that he thought this Bill ought not to be allowed to pass, or be handed over to a Select Committee, without there being a full discussion in the House.

MR. W. F. COWPER—after remarking that the original proposal of the hon. Member for Brighton (Mr. Fawcett) would open too wide a field of inquiry—moved the addition of the following words:—

"In respect to the provisions for places of public recreation, and for allotments for the labouring poor."

Amendment proposed,

At the end of the Questions, to add the words "in respect to the provisions for places of public recreation, and for allotments for the labouring poor."—(*Mr. William Cowper.*)

MR. BRUCE, concurring in the remark of the right hon. Gentleman the Member for South Hampshire that the Motion originally proposed by the hon. Member for Brighton would open too wide a field of inquiry, said that the Government would not refuse to accede to the Motion of the hon. Member for Brighton, as it was limited by the Amendment of the right hon. Member for South Hampshire.

SIR MICHAEL HICKS-BEACH regretted that the Bill had not first been passed, and supported the addition.

Question, "That those words be there added," put, and *agreed to.*

Main Question, as amended, put, and *agreed to.*

Ordered, That a Select Committee be appointed to inquire whether the Inclosure Act 8 and 9 Vic. c. 118, requires amendment in respect to the provisions for places of public recreation, and for allotments for the labouring poor.

Mr. Fawcett

And, on April 26, Committee *nominated* as follows:—Mr. WILLIAM COWPER, Sir MICHAEL HICKS-BEACH, Mr. KNATCHBULL-HUGESSEN, Colonel BARTTELOT, Mr. VERNON HARCOURT, Lord GEORGE HAMILTON, Mr. THOMAS CHAMBERS, Mr. KNIGHT, Mr. LEVESON GOWER, Mr. LIDDELL, Mr. PEASE, Mr. WILLIAM LOWTHER, Mr. ANDREW JOHNSTON, Mr. WALSH, Mr. PHILIP WYKEHAM MARTIN, Mr. PEEK, and Mr. FAWCETT:—Power to send for persons, papers, and records; Five to be the quorum.

LOCAL OFFICERS SUPERANNUATION (IRELAND) BILL.

On Motion of Mr. PIM, Bill to enable Corporate and other Public Bodies in Ireland to grant Superannuation Allowances to Officers in their services in certain cases, *ordered* to be brought in by Mr. PIM and Sir JOHN GRAY.

Bill *presented,* and read the first time. [Bill 87.]

House adjourned at Two o'clock.

HOUSE OF COMMONS,

Wednesday, 21st April, 1869.

MINUTES.]—WAYS AND MEANS—*considered in Committee*—Consolidated Fund (£17,100,000).

PUBLIC BILLS—*Ordered—First Reading*—Local Government Supplemental * [90].

First Reading—Naval Stores * [88]; Governor General of India * [89].

Second Reading — Marriage with a Deceased Wife's Sister [23].

MARRIAGE WITH A DECEASED WIFE'S SISTER BILL—[BILL 23.]

(*Mr. Thomas Chambers, Mr. Morley.*)

SECOND READING.

Order for Second Reading read.

MR. T. CHAMBERS, in moving that the Bill be now read a second time, said, that the numerous Petitions which had been presented in favour of it indicated, though imperfectly, the interest felt by the country in the question. His object was to remove from the marriage law a restriction which had been long complained of. The grievance had been again and again brought before the House of Commons. In thirty-three divisions of that House the law, as it at present stood, had been condemned; five times the House had virtually sanctioned a measure to remove the restriction; and four times the House had sent up to the House of Lords a Bill with that object. The subject had been amply discussed in both Houses. The metropolitan, provincial, and colonial Press had examined it thoroughly, and it had excited the deepest interest among all classes of the population. Under these circumstances it might be supposed that he would, on the present occasion, spare the House the necessity of listening to any observations of his; but, as the present Parliament was a new one, and as there were 250 new Members in the House of Commons, he felt it his duty to state the reasons which had influenced him in bringing this measure forward. The question was whether the restriction upon marriage with a deceased wife's sister was justifiable. Undoubtedly, liberty in relation to marriage was the general rule, and if a restriction was to be maintained in a particular case, the *onus* rested with the advocates of that restriction to show that it was justifiable—that it was expedient in itself, and that it was proper to enforce it by penal laws. If there were any justification for the restriction now under consideration it must be found in the law of nature or the law of God, which he believed to be identical. Although there might be mentioned some instances in which a marriage not specifically and in terms forbidden by the Scriptures, was nevertheless, by common consent, considered as unlawful, it was in the main true, that for the marriage law, we must look to what the Scripture had said, and be guided by it. Now, the argument of the supporters of the Bill was, that as the Divine law restrained marriage with a deceased wife's sister only under one condition, it must be held emphatically to allow it in all other cases. The law in Leviticus forbade such a marriage only during the lifetime of the sister. This was perfectly plain from the terms of the law itself, which declared that a man should not take a wife to her sister to vex her in her lifetime. It was, however, contended by some that that was not the correct interpretation of the passage, and consequently, in order to come to a decision on that point, reference must be made to authority. Among candid minds there could be no doubt as to the sense in which the best Hebrew scholars accepted the passage, and one of the highest authorities, the Rev. Alexander M'Caul, stated that, after having re-examined the question, he was confirmed in the opinion he formerly expressed, that marriage with a deceased wife's sister was neither expressly nor impliedly prohibited in Scripture. Dr. Robinson, the well-known author of *Biblical Researches in Palestine*, regarded as a famous authority by the Presbyterians, and Dr. Henderson, and Dr. Pye Smith, high authorities among the Dissenters, entertained a similar opinion. He might also appeal in support of his argument to the light in which an enactment so intimately affecting social life had ever been regarded by that nation to which the law was given. Dr. Adler, the Chief Rabbi, said, speaking of the marriage in question—

> "Not only is it not prohibited, but it is distinctly understood to be permitted; and, on this point, neither the Divine law, nor the Rabbis, nor historical Judaism leaves room for the least doubt."

So strong, indeed, was the conviction of the Jews on the subject that the practice was to allow a man who had children left by his first wife to contract a marriage of this kind earlier after the death of his wife than a marriage with another woman. It, therefore, did appear to him that there was no room for doubt as to the interpretation of the passage. But then it was said that, by a parity of reasoning from something else found in the Bible, this marriage must be considered as disallowed. Parity of reasoning was a dangerous doctrine, and could never be employed unless one was certain of all the reasons for establishing the specific enactments. With regard to the specific enactments of Leviticus, it was undeniable that for all that was allowed and for all that was forbidden they did not know the whole of the reasons. The law was laid down, but the reasons were not in every instance assigned. Parity of reasoning was supposed to be illustrated by the case of the brother's wife, marriage with whom was said to be forbidden; and it was argued that, by analogy, marriage with a deceased wife's sister was prohibited. But so far from the marriage of a man with his brother's widow being forbidden, in the 25th chapter of Deuteronomy, it was actually enjoined under certain circumstances; and even when the brothers had lived together, and formed part of the same family and household. Changing the case, therefore, from the death of a brother to the death of a wife, the enactment, if drawn on the principle of parity of reasoning, would be that, if sisters dwelt together and one of them died leaving a widower, the wife's sister should take to herself the husband of the dead. Therefore parity of reasoning led to an entirely different conclusion from that at which the opponents of the measure now before the House wished to arrive. Neither in the Old or New Testament was there any passage forbidding marriage with a deceased wife's sister, and Roman Catholics, Protestant Episcopalians, Congregationalists, Quakers, Wesleyans, for the most part, and Presbyterians to a great extent concurred in the opinion that, under certain circumstances and conditions, imposed by themselves, couples might properly be joined together in this kind of marriage. It was true that, in the early Church, restraints on marriage had been very widely imposed. There was no subject upon which the early Church went so much astray as the relation of the sexes; but so complicated and so mischievous became the restraints upon the natural and pure affections, that the Roman Church itself, long before the Reformation, shook off many of those restraints on marriage which superstition had imposed. Even the restrictions that were left were mitigated in their application by a plenary power of dispensation. The Divine law on the subject was the only authoritative rule. It might be argued that social expediency and policy were to be studied in the matter. He did not admit that, though so far as social expediency and policy were admissible, they were both entirely against the restriction. A thousand reasons might be assigned why a particular marriage, or class of marriages, should be deemed, on the whole, inexpedient—for instance, the marriage of first cousins, on account of consanguinity; but they could not tell how far this doctrine of expediency might go, if once they admitted that it was allowable to apply it at all. There must be an appeal in such a matter, not to fluctuating opinion, which depended on changing times and circumstances, but to an unvarying standard; there must be an authoritative and final appeal, and the only authoritative appeal was to the Divine law. This was consistent with the principle of our own municipal law on the subject, which makes the law of God the only valid ground of restriction. In the 25 *Henry* VIII., c. 22, were these words — "And furthermore since many inconveniences have fallen by reason of marriages within the degree of consanguinity, prohibited by God's law;" and the 32 *Henry* VIII. declared all marriages lawful "that be not prohibited by God's law." The marriage law of Ireland, 33 *Henry* VIII. c. 6, and the law in Scotland, passed in 1558, ordained to the same effect. It was impossible to employ terms which more absolutely excluded the notion that they were entitled to enlarge the range of prohibited marriages beyond that prescribed by the law of God. So much, therefore, for the principle of the English law. Now let us see what was the doctrine of the Church on the subject? The solemn address of the officiating clergyman to the parties about to be married warned them that "as many as are coupled together otherwise than God's Word doth allow are not joined together by God, neither is their matrimony lawful." These words laid down, as the only principle on which a marriage was to be justified or condemned, whether God's Word "doth allow it" or not. The supreme, absolute, final, and exclusive test was the Divine law. If they were not prepared to expunge the preamble of our statutes and alter the formularies of the Church of England, the appeal to God's law was conclusive; and for hundreds of years the conscience and judgment of the people had been formed in accordance with this doctrine. But objectors said truly the law of England prevented marriage with the sister of a deceased wife. But it is replied that the table of degrees was in that respect wrong. This was what was complained of. The principle of the law was right, the enactment wrong, and what was asked was to make the enactment consistent with the principle. The desire was not to innovate on the principle of the law, but to carry it out —to confirm it in the most emphatic manner—by eliminating an old item in the table of prohibited degrees, which was found clearly and flagrantly in conflict with the principle as stated in the Acts to which he had referred. As regards, therefore, the principle of the law and the doctrine of the Church, both are repugnant to the restriction in question. Now, let them inquire, historically, what the practice had been. For 300 years these marriages were contracted; they were good and valid for all practical purposes, for they could not be annulled, unless set aside during the lifetime of both parties.

Scarcely an instance occurred during these 300 years in which one of these marriages was set aside. The letter of the law was against them, but they were practically allowed during the whole of that period; the children of these marriages were held to be legitimate, and there being no practical grievance that state of things continued till 1835—a date which no man remembered without shame. A Bill was then brought into the House of Lords by Lord Lyndhurst which passed in a form entirely different from that in which it was introduced. That Act legalized such of those marriages as had been contracted before the 31st of August in that year, and made absolutely void all such as were contracted after that day. Nothing could be more inconsistent. It both blessed and cursed in the same section. It declared in one part of the section that marriages which it said were no marriages at all, but incestuous and unlawful, should never be dissolved; and, in the same section, it declared that such marriages so held to be indissoluble should for the future never be contracted, but be absolutely void. They all knew there was a special object to be attained by that enactment, and, despite the mischievous and unjust alterations in the Bill, it was attained. Contrasting the Bill before the House with the Act of 1835, it would be seen that while he sought to alter the law in one particular relation of affinity only, the Act of 1835 altered twenty cases on the man's side and twenty on the woman's side, and made unions within those relations valid and indissoluble, which by common consent were agreed to be improper in the ascending and descending line. He altogether denied the assertion that to legalize marriage with the sister of a deceased wife would injuriously alter the moral tone, relations, and comforts of domestic life as regarded sisters-in-law. Such a statement was a libel on English domestic purity—a slander, and nothing else—for which there was not the slightest foundation. It ought to be met with a peremptory and indignant denial. The Quakers had come round to the opinion, if they had not always entertained it; that the enactment of such a law as that for which he contended would establish more satisfactory relations between the husband and the sister-in-law than those which now existed. [Mr. BRIGHT: They never had a contrary opinion.] Those relations would, in fact, be more safe and honourable to both parties. The objections to such marriages were sentimental. If the Bill proposed to compel a man to marry the sister of his deceased wife, he could well understand that objections might be made to it; but he did not propose to inflict such a grievance upon any one. If any marriage was contracted in England which was not the result of the heat or caprice of passion or for the gratification of the individual himself contracting it, but one contracted on the principle of prudence and for the sake of others, it was the marriage of a deceased wife's sister. These marriages were contracted mostly among the poor for the care and protection of the children of the deceased mother. Another objection to the present restriction was that the law was to a great extent inoperative. It was not in conformity with the social feeling and conscience of the country, and therefore it was, to a great extent, disobeyed. It was always a great calamity when the law and public conscience were not in harmony with each other. It was difficult to ascertain the number of such marriages, there being always a reason to keep them secret; but if there was only one in every parish in England the number would be quite sufficient to call for an alteration of the law. Some time ago an eminent authority said that he did not believe one such marriage existed in Westminster. This led to inquiries, and not less than 100 had been discovered. The present law was most mischievous, because, though it did not prevent the marriages, it degraded and dishonoured the offspring by branding them as illegitimate. Again, there is now no escape from this unjust law, for since the decision of the House of Lords, in 1861, in the case of "Brock *v.* Brock," the law could not be evaded. A man could not go now and marry his deceased wife's sister on the Continent—where such a marriage is lawful—and then come back and claim the rights of lawful wedlock for his wife and children. Such a marriage, it had been decided, was bad, for the *lexi loci contractûs* which applied to all other contracts did not apply to this particular contract. Even if they allowed these marriages when contracted abroad to be legal—though that would be less grievous than the present law—it would be a law for the rich rather than for the poor. The law in this respect prevailing in India, the colonies, Ceylon, Cape of Good Hope, and the United Kingdom was hopelessly inconsistent. In some parts of the Empire these marriages were absolutely void, in some voidable, and in some admissible, as in India, where they were practically allowed, simply because there were no ecclesiastical courts in which their validity might be questioned. He had, that day, presented a Petition signed by fifty-one out of eighty-two members of the Legislature of Ontario, in the Dominion of Canada, complaining of the present law. Moreover, we inflicted and perpetuated this unjust disability on dependencies of the Crown in defiance of the feelings of the people. South Australia had three times passed an Act to legalize marriage with the sister of a deceased wife, which had as often been vetoed by the Crown as inconsistent with British law. There had been thirty-four years' experience of this law, and the time had now arrived when it ought to be repealed. It was a law which had no justification. It was broken without reproach. It branded and defamed the innocent. It wounded the sensibilities of those who had done no wrong. In every nation of Christendom, except in this country, these marriages were capable of being contracted. In this particular the United States of America disagreed with us, and agreed with the whole of Christendom. All the Churches, with the exception of a portion of the Presbyterian Church, were in favour of them. The Roman Catholics permitted them under some restrictions. They were allowed by the Congregationalists, the Quakers, and the Baptists. A Petition in favour of the Bill had been signed by thirty-four Wesleyan ministers in the metropolis. Their most eloquent minister had recently contracted a marriage of this kind, and the President of the Wesleyan Conference, in America, to which he had gone on mission, had himself married the sister of his deceased wife. When these marriages were permitted by every people and by the Churches of every class of the Christian Church, what further sanction did they require? The Bill was a very short one. As it was drawn, its operation was not made retrospective in Scotland; but on further consideration it was thought desirable that in Committee an alteration should be made so as to correct this. It provided that marriages with a deceased wife's sister before the passing of this Act should not be void or voidable, and that such marriages should be legal in future. It excepted cases in which either of the parties to a marriage of this kind had afterwards, during the life of the other and before the passing of this Act, lawfully intermarried with any other person. There was also a provision for saving all rights, so that it would not touch the devolution of property in any way whatever. In short, the Bill would thoroughly accomplish the object he had in view and no more. If a precedent were necessary in the case, there was a very striking one in English history. An Act was passed in the year 1548, the 2nd Edward VI., legalizing the marriage of priests and other members of the Church, but saving all existing rights. In that case the prejudices of the people were so strongly against those marriages; they could not believe they had been legalized; and two or three years afterwards a declaratory and confirming Act was passed, legalizing all such marriages as had been solemnized, and declaring them to be legal in future. The grievance of the present state of the law surely deserved to be remedied. The best subjects were those who suffered most. It was true that those who suffered and who desired a change in the law were not so numerous as to be formidable. It was among the poor that these marriages principally occurred, amongst whom they were the greatest blessing in a time of sorrow and domestic bereavement. The present House of Commons, representing the whole of the people more completely than it had ever yet done, would have a right to speak in the name of the poor as it had never spoken before on this subject. He would conclude by quoting the authority of one of the most venerated names in the English Church. Bishop Jewell, in 1563, writing to Archbishop Parker, who prepared the table of prohibitions in the Prayer Book, upon a case of this kind then before the Court of Delegates, said—

> "Chafin that hath married two sisters, upon his appeal from your Grace (Archbishop Parker) and me, hangeth still before the Delegates, and, as much as I can perceive, is not likely to take any great hurt at their hands. *I would they would decree it were lawful to marry two sisters*, so should the world be out of doubt; as now it is past away in a mockery."

The hon. and learned Member concluded by moving that the Bill be now read a second time.

Captain EGERTON in rising to second the Motion said, he did so because this was a Bill for promoting morality and virtue. He admitted that the generality of the clergy were opposed to his views on this Bill, but they were not unanimous. And if they were, while their opinions ought to be heard with great respect, still those opinions ought not to be allowed more weight than those of laymen who had carefully studied the matter. It might be said also that great lawyers were against him—and he readily admitted the weight and authority which were due to the opinion of Lord Hatherley; but he thought that great lawyer had greatly weakened his argument when he said that he would prefer the invasion of this country by 300,000 men to the consequences that would follow from the passing of this Bill. He admitted that the number of Petitions in favour of the Bill was comparatively small; but he would remind the House that on a question of this kind it was much easier to get up Petitions against a Bill than in its favour. It was easy for clergymen, taking the sentimental view on this subject, to get up Petitions. On the other hand, those who were aggrieved did not like to put themselves forward, and those who might possibly be aggrieved at some future day did not take sufficient interest in the subject. Still there was a great number of Petitions in favor of a change in the law. They knew, too, that there was a great number of such marriages in spite of the law, and what was worse, there were a great number of cases where the parties on account of the law lived in a state of concubinage. This was to a great extent a poor man's question. He had spoken about it to many employers of labour in the district which he represented (East Derbyshire), and had been assured by them that the present state of the law produced great evils, and that there was a strong feeling in favour of the measure among the working classes. He trusted that the House would pass the Bill—and that by a majority sufficient to induce the House of Lords to give a more favourable consideration to its provisions. He had spoken of the feeling among his constituents and he might be pardoned for saying that—as the older Members of the House would know—he had, if not an hereditary claim' yet, at all events, an hereditary excuse for moving in this matter.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Thomas Chambers.*)

Mr. SCLATER-BOOTH said, that having undertaken at a very short notice to move the rejection of this Bill, in the unavoidable absence of his hon. Friend the Member for South-west Lancashire (Mr. Assheton Cross), the hon. and learned Common Sergeant (Mr. T. Chambers) would excuse him if he did not undertake to follow him through all the arguments he had adduced, especially upon the theological part of the question. He might be the more readily pardoned for terseness because the subject had been argued over and over again in that House, so that it was difficult, if not impossible, to say anything new upon it. He was sorry that the question had been re-opened at all, because parties were induced to contract these marriages knowing them to be illegal, but thinking that there would always be a Parliamentary party ready to take up the question and legalize them. The history of this question, from the Act of 1835 until the year 1859, showed that great discontent was felt among a small class of the community. Repeated efforts had been made to pass a measure of relief. The House of Commons had two or three times passed a Bill to legalize these marriages; but these Bills had been uniformly thrown out in "another place." A change in public opinion appeared to have taken place within the last few years, for the last two Houses of Commons, on three separate occasions, had pronounced, by considerable majorities, against the second reading of such Bills. Now, there were questions which it might be justifiable to bring again and again before the House of Commons, but he could not think this question was one of them; and he protested against the assumption which seemed to underlie the speech of the hon. and learned Gentleman, that because there was a large Liberal majority in the present House of Commons therefore this question was to be renewed, with hopes of a more favourable result. He (Mr. Sclater-Booth), on the contrary, deprecated the notion that party politics had anything to do with such a subject, and the opposition to this proposal had proceeded lately very much from the other side of the House. He denied that this was in any sense a Liberal question, or that it could be said to be identified with the policy of the Liberal party. Restrictions upon marriage were not a mark of a despotic period, but rather of a state of civilization and refinement; and to remove the restrictions that had been thought necessary for ages would be a step backwards into barbarism. On the last occasion, when the question was raised, in 1866, the right hon. Gentleman (Sir George Grey) who, as Secretary of State for the Home Department, was then charged with the law and morals of the country, although he did not vote against the Bill, said that it was undesirable repeatedly to introduce a measure of this character, because the result was to induce people to contract these marriages in the hope of their being legalized; and, if there was no reasonable hope that the Bill would pass, he would urge the promoters of the Bill not to revive the question, and consequently encourage expectations that were not likely to be fulfilled. He (Mr. Sclater-Booth) should rely mainly upon the social argument against the Bill, and not the religious. Briefly, then, it was proposed to relieve a few persons at the expense of the feelings of the community at large: 90 per cent of the people of this country were opposed to the Bill. An immense majority of the women had the greatest possible antipathy to the proposal. It was absurd to say that a sister-in-law could, after the passing of this Bill, take the same place in her brother-in-law's house that she was in the habit of doing now. The argument of the hon. and learned Member might, in fact, be turned against himself. The hon. Member alleged that the aunt was the natural and legitimate guardian of her sister's children. It might be said with quite as much truth that the mother-in-law was a still more natural guardian, yet no one would say that marriages with a mother-in-law should be legalized. If the aunt were really the natural guardian, it followed that she was a better guardian as mother-in-law than as aunt. But, on the contrary, if she had children, she would naturally prefer her own to her sister's, and then it came to the *injusta noverca* instead of the guardian aunt. If, as he believed, these marriages were almost universally unpopular among the women, it would make the guardianship of the deceased sister's children impossible in ninety-nine cases out of 100, because women could not take care of the children as they did now, with great advantage both to the children and themselves. He regretted that the hon. and learned Gentleman had not read the pamphlet of Lord Hatherley, which was most conclusive on this point. In 1858 an hon. Gentleman (the late Mr. Baines) said he supported this Bill because he knew many cases of hardship under the present law, yet he had no regard for the hundreds of thousands of cases of hardship which would occur if the law were changed. He agreed with the hon. and learned Gentleman (Sir Roundell Palmer), who opposed this Bill in 1866, in an admirable speech, and who protested against arbitrary encroachments being made on the Law of Marriage because certain persons got up an agitation against it. Liberty, the hon. Gentleman said, was not possible in this matter—an apothegm which was well deserving the consideration of the House. At the same time, while he (Mr. Sclater-Booth) laid the greatest stress upon the social arguments, he thought the theological argument was perfectly sound; and the universal interpretation of Christendom was that the authority of Leviticus was conclusive on the question. If marriages with a deceased wife's sister were to be made lawful, why not marriages with a deceased wife's niece, because she was a degree more remote? Earl Russell once said that it was impossible that the proposed change, if adopted, should not extend to all the degrees of affinity. Even if the Bill passed it would not place these marriages on the same social level as marriages among strangers. He thought the hon. and learned Gentleman in error in stating that these marriages were permitted in Roman Catholic countries; a dispensation was certainly necessary before they could be solemnized. But would dispensation in such matters be permitted for a moment in our country? The hon. and learned Member had also asserted that these marriages were approved by Dissenters; but, during the present Session, a Petition had been presented against the Bill from the General Assembly of the Free Church of Scotland, in which, among other arguments against the proposal, they said that the legalizing of these marriages would bring the discipline of the Church into collision with the law of the land, and would be contrary to the wishes and feelings of the people. He moved, as an Amendment, that the Bill be read a second time that day six months.

Mr. O'REILLY seconded the Amendment. As a Roman Catholic Member he wished to say that the question was an open one, and that different views were held upon it by members of that Church. In stating his objections to the Bill, he should not be led into a hermeneutical examination of texts, but should consider the broad general principles on which restrictions of marriage rested. In ancient times, when population had been decimated by war, marriages within prohibited degrees of consanguinity were allowed; and, even in more recent times, marriages, otherwise improper, had been permitted between Royal personages, as a means of putting an end to a war. The Roman Catholic Church would always grant a dispensation, permitting such marriages, if a reason of sufficient weight for so doing, were forthcoming; and it was a mistake to suppose that such dispensations were questions of money; there was not even a fee payable on receiving them. Roman Catholic Members were perfectly free to vote upon this question as they pleased, and his vote would be dictated simply by his personal views. The hon. and learned Member for Marylebone (Mr. T. Chambers) had appealed to Roman Catholic authority in support of his view, but he had done so without warrant. Dr. Manning, Roman Catholic Archbishop of Westminster, wrote with reference to a passage in a former letter, to the Marriage Law Commissioners—

> "This passage, which relates only to the hardship endured by Catholics in rare exceptional cases, has been used by those who are now endeavouring to establish the legality of such marriages as an ordinary rule, for the purpose of showing that the Catholic Bishops in England are in favour of their movement. Such is not the fact. The law of England at this moment, which prohibits such marriages, is the old Catholic law still surviving from the times before the Reformation; and our law in this respect is in harmony with the law of the Catholic Church throughout the world. The Catholic Bishops would be the last persons in this country to desire to see our public law placed at variance with the ancient Christian law of impediments."

[Mr. Bright asked the hon. Member to read the whole of the paper.] He would gladly give the paper to the right hon. Gentleman, that he might read it from beginning to end. The cases of such marriages in foreign Catholic countries were much fewer than among Catholics here; possibly because, as Cardinal Wisemen said, in 1847, there was greater difficulty in those countries of obtaining dispensations. They were very few in Ireland among the Roman Catholics; and the hon. Member for Dublin (Mr. Pim) authorized him to say they were regarded with disfavour by a majority of the members of the Society of Friends in Ireland. Perhaps the Society of Friends in England took a contrary view. He had obtained information relating to the number of dispensations granted for such marriages in Ireland, which were of course, in excess, if anything, of the actual marriages. In the immense Roman Catholic diocese of Dublin these marriages had not averaged as much as two in a year during many years past; yet, in Dublin, they would occur more frequently than elsewhere, because the population was of a changing character, and contained elements of immorality not common to other smaller towns. Cardinal Wiseman had said that such marriages occurred almost entirely among the poor, and that frequently the reason assigned was the prevention of worse consequences. In the Roman Catholic diocese of Armagh, which contained two whole counties and parts of three others, there had not been a single marriage with a deceased wife's sister during the last three years, and he believed for long before that also. In the diocese of Ardagh there had been but two cases during the past fourteen years. It was, therefore, perfectly clear that such cases in Ireland were extremely rare, and that public opinion in Ireland was decidedly against the change. If asked why he opposed an alteration which would gratify so many others and not affect himself, he replied that he did so because he was anxious for the general tone of the community. The argument that it was a poor man's question, and that it was but natural sister should succeed sister in the care of her children, he answered by saying that nothing was more common than this in Ireland, but there the surviving sister cared for the children not as a wife, but as an aunt. It was said that with the rich, who lived in large houses, this was possible, without immorality resulting; but that in the case of the poor, whose accommodation was often greatly limited, it was not possible. He answered that morality did not depend upon stone walls. But, presuming the change was made, what would be the consequence? Would the demand for changes in the marriage law stop there? Could objections be raised to a woman marrying her brother-in-law? A distinction between the two cases had been drawn by some, but he could not see the force of it. Could uncles be restricted from marrying their nieces, and aunts their nephews, if the change asked for was made? The answer to this was that the question was one of consanguinity in those cases, and not of affinity; but if consanguinity only was held to be a bar, a man might and probably would marry his mother-in-law. ["No, no!"] He presumed the objection to his argument in this case would be, not a greater degree of affinity, but of improbability? Still, the improbability did not appear so great when the little disparity of years, which there often was, between mother and daughter was taken into account. He could conceive cases of men desiring to marry their late wives' mothers, or their late wives' daughters, in which case the objection of age would not apply. And the question was complicated by the present law of divorce, which, however, he held to be altogether unlawful. If marriage with a deceased wife's sister were held lawful, would it not follow that a man who had divorced his wife would be able to marry her sister? He decided against the proposal even on no higher ground than that of custom, believing it was not well to shock the national feeling with regard to the sanctity of the merriage law. St. Augustine had said—

> "Si autem iniquum est aviditate possidendi transgredi limitem agrorum, quanto est iniquius libidine concumbendi subvertere limitem morum."

Custom had hitherto preserved the freedom of the relationship of sister-in-law, by preventing its being changed into that of wife, and he hoped the custom would prevail, even at the expense of those few men who might thereby be prevented from having the wives they longed for.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Sclater-Booth.*)

Mr. O'Reilly

VISCOUNT BURY said, that as he had brought the subject forward on former occasions, he wished to make some few observations. He objected to the hon. Member who had just spoken making use of the word *libido* as applied to the marriages under discussion; by so doing the hon. Member had put the question on a low and entirely untenable issue. The question was purely one of religious liberty. If these marriages were prohibited by the law of God they ought also to be prohibited by the laws of the country; and, if they were permitted by the law of God, we had no right to impose restrictions which the great Author of our being had not imposed. If it were said they were constructively imposed, he replied that if they were not directly imposed by Divine command it was not for them to invent new restrictions. The arguments against the Bill had been drawn from the cases of the upper classes in society, and not of the lower ranks, which he believed were mainly affected by the Bill. This was emphatically a poor man's question. A poor man with three or four children who lost his wife, and who was dependent upon weekly wages, could not leave his children without some female supervision, and, in many cases, the person to whom he could most readily turn was the sister of his deceased wife; but, in a house containing limited sleeping accommodation, it was not decent or conformable to usage or morality that an unmarried sister of the late wife should be allowed to remain in the house unless her presence there had been consecrated by marriage. He did not believe that there were only a few cases of that kind. He could produce scores of instances to show the inconvenience and shock to morality which had been inflicted by the present state of the law. At the earliest times these marriage prohibitions did not exist. They were unknown in the Roman law, and it was not until ascetic notions began to prevail in the Church in the 3rd and 4th centuries that these restrictions were thought of; but when they began they were multiplied to absurdity, and became unbearable. A man was prohibited from marrying within the seventh degree of consanguinity; within the seventh degree of affinity; and even within the seventh degree of spiritual affinity; so that if a man stood godfather to a friend's daughter he was prohibited from marrying within the seventh degree of even that constructive relationship. At last, however, some of these prohibitions were removed by one of the Councils, and the degrees of consanguinity and affinity to which the prohibition extended were reduced to four. At the Reformation it was determined, and especially in England, that the marriage law should be made to rest upon the basis of Scripture, and brought as nearly as possible into accordance with the Levitical law. It was necessary to refer it to the Levitical law, because the only place in the Bible in which the marriage law was found was in Leviticus. But then followed the contradictory legislation of the reigns of Henry VIII., Mary, and Elizabeth, when Royal marriages, the legitimacy of Royal children, and the succession to the Crown, depended on the construction of the law. The Scriptural authority in the case must be dealt with as a whole. It was a remarkable thing that marriage with a decased wife's sister was not prohibited by the Scriptures; indeed it was almost in terms enjoined. The only place in the Bible in which marriage with a wife's sister was mentioned was the 18th verse of the 18th chapter of Leviticus, in which it was said—"Neither shalt thou take a wife to her sister to vex her besides the other in her lifetime." The limitation as to the period of time, "in her lifetime," showed that the prohibition was removed after the expiration of that time. But the opponents of this Bill went back to another verse in the same chapter, where a woman was prohibited from marrying her deceased husband's brother, and argued that, by a parity of reasoning, marriage with a deceased wife's sister must also be prohibited. But a few chapters further on a woman was actually enjoined, under certain circumstances, to marry the brother of her deceased husband, so that, if they were to reason by analogy they might hold that a man was also permitted to marry the sister of his deceased wife. He would lay no stress, however, on so absurd an argument; but he wished to point out, with regard to the Levitical prohibition, that, as polygamy was not allowed in this country, that prohibition could not be held to apply to the state of the law as it existed in this country at the present day. As to the assertion that 90 per cent of the population were against these marriages, he denied that there was any proof of that; and certainly nothing could be more reasonable than that a new House of Commons should have an opportunity of expressing its opinion. The supporters of the Bill were to be found among persons of all politics and of all religious denominations; and the arguments urged during the last few years had produced such an effect, that he anticipated an increased majority. Numbers of persons, finding no Scriptural prohibition, had contracted such marriages without losing self-respect. They were sympathized with in their position, and their conduct was approved. Would Parliament have legalized the marriages contracted before the statute law was altered, had it considered them contrary to the law of nature or to morality? The weight of argument was entirely in favour of the Bill, and he hoped the new House of Commons would redress the evil complained of.

MR. BERESFORD HOPE was little prepared for the shape in which the question had been brought before the House. Viewing the mixed composition of this body, which contained members of so many religious communions and representatives of such various schools of thought, he had been led very much to doubt how far the religious argument could be fittingly introduced, and how far the ecclesiastical aspects of the question ought to have formed the subject of debate. He had, therefore, merely prepared himself to argue that there were grave social considerations which should induce the House without demur to treat this Bill as it had been treated by the last Parliament and by the Parliament before that. The hon. and learned Common Serjeant had, however, imported the religious argument into the debate, and had proceeded to deal with the vexed chapter of Leviticus; on him, therefore, rested the responsibility of the future course of the discussion. The hon. and learned Gentleman had quoted, as an authority in favour of his view, a passage from a letter written by Bishop Jewell on this question; and when he (Mr. Beresford Hope) heard that, often as he had been astonished by many people's statements, he had seldom in all his life felt more thoroughly astounded at the extent of human assurance—even the House would be surprised to hear that Jewell's letter was an elaborate and learned argument in favour of the prohibition, the words that were brought forward by the Common Serjeant being the recital of the other side brought forward for the purpose of confutation. That letter had been so often quoted in that House that he should not have thought it worth while to refer to it, if the hon. and learned Member had not brought forward a garbled extract from it. The manner in which the hon. and learned Gentleman had dealt with the passage reminded him of the mode in which a certain preacher, in arguing against the prevailing extravagance in female dress, had quoted from Scripture the words—"top not come down." In his letter Bishop Jewell said—

> "We must needs think that God in that chapter has especially and namely forbidden certain degrees, not as leaving all marriages lawful which he has not thereby expressly forbidden, but that thereby, as by infallible precepts, we might be able to rule the rest."

This argument was conclusive against the view of the hon. and learned Member. It had been contended that there was no absolute prohibition in the chapter of Leviticus of these marriages, but it had been most conclusively shown, as by other authorities so by the Bishop, that Moses, acting under Divine authority, had, in drawing up the code contained in that chapter, in each case brought up one only of two alternative cases, leaving the other prohibited by implication. If the case of the brother's widow did not rule that of the wife's sister, it would follow that, while the paternal aunt-in-law was forbidden, the mother's-brother's-widow was allowed; and that a man could not be condemned for taking his own daughter in marriage, although restrained from seeking his mother. Equally a woman was prohibited from marrying her grandfather; but as the alternative case was not mentioned, on the assumption that the argument of the hon. and learned Common-Serjeant was correct, he might be advised, in the words of Mr. Drummond, to go and marry his grandmother like a man. There was another passage in Bishop Jewell's letter in which he said—"Thus you would see that God Himself would have us expound one degree by another." And that was the document which the hon. and learned Member had tried to palm off upon the House as an argument in favour of his proposition. He did not believe that the hon. and learned Member could have been knowingly guilty of such an attempt; but he hoped that what had passed would be a warning to the Common Serjeant's friends, composing the Marriage Law Reform Association, or rather to the one "M.A." who was the only member of that body who had ever revealed his identity—that the next time they drew up a brief, for the instruction of their advocate in the House, they should take care that the statements which it contained might be a little less reckless as to facts, and a little more scrupulous as to argument. Much had been attempted to be made by the hon. and learned Gentleman of the enactment in Leviticus that a man was not allowed to marry the sister of his wife during the life of the latter, and much had been predicated by him of the opinion of the late Dr. M'Caul. It was, however, simply idle to bring forward that divine as the one great Hebraist of the age, which had produced men like Pusey or W. H. Mill; and many eminent Hebrew scholars were of opinion that in this and in a number of other instances, the Hebrew word, translated by a common metaphor, "sister" merely meant "woman." That word occurred sixty-nine times in the Hebrew Scriptures, and he understood that in thirty-four of these cases it certainly did mean "woman," and could not be translated "sister." Perhaps the Common Serjeant had forgotten that in the very passage under dispute "woman" was the alternative marginal version of the disputed authorized translation. The special exception of the childless brother's widow has also been brought forward. It must not, however, be forgotten that the Jewish system exhibited a rudimentary and imperfect code of morality compared with Christianity. A system which connived at polygamy could not be regarded in the same light as the religion of the New Testament. These relaxations, it is clear, were introduced not with the pleasure of God, but by concession to man's imperfection, while the perfect law of purity was reserved for the Gospel dispensation. In all matters, accordingly, of positive prohibition, the law might safely be taken as the interpreter of the Gospel, not so in questions of relaxation. The New Testament contained a striking illustration of that proposition. The Sadducees, who were the men of progress of their time, and who were rather fond of finding fault with anything that interfered with the gratification of their wishes, tried to entrap our Lord into some statement which would suit their views; and how were they met? They were met by a general answer, giving the go-by to the whole question, as one not worthy of discussion under the new dispensation, and laying down the higher and nobler law which was to dominate that dispensation for all time. It had been stated that in the case of Roman Catholics dispensation was frequently granted in the case of a man wishing to marry the sister of his deceased wife; but was the House aware that the first Pope who had ever granted such a dispensation was Alexander VI., whose name was the most infamous in history of all the occupants of the Papal See? This Pope first made the fatal concession to please a Sovereign—Emanuel of Portugal—who desired to marry his sister-in-law, one of the daughters of Ferdinand and Isabella, herself the sister of that Catherine whose marriage with the two Tudor brothers was the immediate cause of our own happy Reformation. Reference had frequently been made to the Continental marriage law upon this subject—to that of Prussia, Switzerland, and America; but were the hon. Members who asked us to copy the system of those countries prepared to carry the analogy out in all its relations? Were they prepared to substitute for the marriage laws of England those of Prussia in all their entirety? Were they prepared to legalize the marriage of a man with his own niece, the law authorizing which was a shame to many of the Protestant nations of Europe; or were they prepared to accept the Law of Divorce which allowed either consort to cast off the other whenever either of them chose, from mere dislike or absolute caprice? The state of the marriage law in Germany was, as a German witness said before the Commission of 1847, sufficient to make a man cover his face for shame. It was idle to say that there was no connection between the different incidents. It was a fact that the marriage law of England, in all its particulars, was stricter than that of other countries. It was a fact, too, as he ventured to assume, that the customs of domestic life were purer, happier, and more stable in England. He could not separate these facts, and, in maintenance of the English system in its solidity, he resisted this great breach which the learned Gentleman proposed to make in the integrity of our institutions. This Bill pretended to have been introduced in the interest of the poor man, but nothing could be more fallacious than to regard this as a poor man's question. The Commission which inquired into the matter in 1847—a body which certainly went into the case with an *a priori* desire to make out a report favourable to a change in the law—professed to find 1,500 cases of these marriages, out of which, by their own showing, forty only occurred in humble life. And if the question were fairly considered, it was evident that the poorer classes could not be interested to any cognizable extent in the proposed change, because families were so separated in that class of life by the exigencies of their labour, that frequently a man had no opportunity of becoming acquainted with his wife's sister, who might be engaged in service in a different part of the country, while the woman whom he would most naturally take as the best good second mother to his children would be the active, cleverly, good-tempered neighbour, with whose housewifely qualilities he had become acquainted by experience. Then it was said that the aunt was the natural guardian of her sister's children. That might be so as long as she remained their aunt alone, and did not become the parent of rival claimants nearer and dearer to herself; but the moment she became the step-mother then her affection for her nephews and nieces was put into competition with that for her own children. It required but a slight acquaintance with human nature to see that in this case the special interest above that of any other stepmother would soon vanish and possibly give place to other far less amiable feelings. It had been stated that these marriages occurred among the poor under circumstances calling for special indulgence. He had shown how small was the proportion, but he could add that so did other marriages of a nature which could not be mentioned without horror, and yet it was not proposed to legalize the latter—nay, so conscious were the promoters of the weakness and selfishness of their case, that they neither proposed to deal with the parallel case of the brother's widow, nor with the more remote affinity of the wife's niece. If they were prepared to go to the extent proposed by those who advocated this Bill, where were they to stop? The result of Lord Lyndhurst's Act was to secure the legitimacy of the children of those who had previously contracted these marriages, which were then not *ab initio* void and null, but merely voidable during the lifetime of both parties, and to render these marriages in future absolutely void and illegal. He did not defend the consistency or the morality of that Act; but it was passed, as it received the Royal Assent, with the view of putting an end to a great anomaly which existed in our law upon the subject, and as far as it was an argument it told against the present Bill. These were the reasons which he hoped would be sufficient to induce the House not to consent to the passing of the Bill. The advocates of the measure were a mere section of a section, a mere fragment of a fragment—in fact, only those few widowers with unmarried sisters-in-law, who were anxious to contract the particular marriages it proposed to legalize. It might be said, why not let them go and make marriages of this kind if they liked? That would be all very well if they alone were affected, and if all other people could stand just where they did before; but this Bill could not be passed without upsetting the whole of the existing system of relationship in this country, without causing a breach between every married woman and her sister, and without outraging the feelings of that half of the human race which would be the victims of the change. In the name, therefore, of the women of England, he prayed the House not to pass the Bill, and not to let it be recorded in history that the first Session of the Reformed Parliament initiated an age such as those spoken of by the Latin poet—

> "Fæcunda culpæ sæcula nuptias
> Primum inquinavere, et genus, et domos,
> Hoc fonte derivata clades
> In patriam populumque fluxit."

Sir GEORGE GREY said, he should have been content to give a silent vote in favour of the Bill had it not been for a reference which had been made by the hon. Member for North Hampshire (Mr. Sclater-Booth) to an opinion he had formerly expressed upon this subject. Some years ago he (Sir George Grey) had certainly thought that it was not desirable to continue the agitation of the question, as there was at the time no reasonable hope of bringing it to a satisfactory conclusion; he thought it inexpedient to encourage the hope of a change of the law which might, by inducing persons to contract these marriages, involve them in much distress and misery. But a new Parliament having since been elected, and elected by new constituencies, he felt that those who disapproved of the existing law were fully entitled to take the sense of the House of Commons on a question in which the interest and the happiness of the working classes in particular were deeply involved. He had never argued the subject upon theological grounds, and he thought that such arguments were not suited to the atmosphere of the House of Commons. In his opinion it was the duty of every man to satisfy his own mind upon the theological question whether those marriages were or were not prohibited by the Divine law. For his part he had satisfied himself that there was no such prohibition, and he therefore felt at perfect liberty to regard the question in its influence on the social interests of the community. He had on several former occasions stated that he thought the balance of argument, as far as those interests were concerned, was in favour of an alteration of the law. He believed that the Act of 1834, known as Lord Lyndhurst's Act, was perfectly indefensible, and left the subject in a most unsatisfactory condition. That Act drew a hard and fast line, legalizing marriages of that description which had been previously contracted, while it declared that all such marriages should for the future be absolutely void. It was impossible, however, to suppose that the authors of that Act looked upon those unions as incestuous, for they would never in that case have asked Parliament to sanction them under any circumstances. But he did not consider it necessary that he should then enter into a discussion of the general merits of the question, and he would only repeat his belief that the opponents of the existing law were now justified in again bringing their views under the consideration of Parliament.

Mr. BRIGHT: Mr. Speaker, perhaps I may be allowed to offer a few observations upon this Question, for, during the many times that it has been before the House since I have been a Member of it, I have never opened my lips upon it, although I have on several occasions voted in favour of the Bill. I recollect many years ago, when the Bill for the admission of the Jews to this House was before Parliament, that an eminent member of the party opposite, on one occasion asked me why I had never addressed the House on that question, and I gave him this answer—I said that I had never yet heard an argument against the admission of the Jews which required an answer, and, therefore, that I should find myself in great difficulty if I attempted to meet the sentiment of hon. Gentlemen who opposed that Bill, because, as we all now shall admit, looking back to that question, there was no valid argument against the admission of the Jews to Parliament; but there was a very strong and honest sentiment in the minds of many Members, although it was a sentiment which it was utterly impossible for us to meet by any argument. I must say the Member to whom I refer admitted frankly that it was more a question of sentiment than of argument. I have felt exactly the same as to the question before the House. I have never heard yet—and I am satisfied I never shall hear—an argument such as an honest and learned lawyer would feel he could fairly offer to a learned Judge against the proposition of my hon. and learned Friend the Member for Marylebone. As in the case of the Jews it is purely a matter of sentiment—of strong sentiment, of honest sentiment; but in discussion it places us who are in favour of the Bill under certain difficulty. It is that difficulty which has prevented me in times past, on many occasions when the Bill has been before the House, from taking any part in the discussion; but, at this time, I feel an accumulated sense of the great injustice which the present state of the law creates, and also of the greater probability that the law may be altered; and knowing as I do grievous and fearful cases of injury and suffering under the present law, I come forward at last. I am not content further to give a silent vote, but I feel compelled to say what I think may influence some persons to bring this question now to a final and just settlement. Sir, I shall not follow the ecclesiastical speeches of the hon. Member for Cambridge University (Mr. Beresford Hope) and the hon. and gallant Member for the county of Longford (Mr. O'Reilly). Those speeches may be said to have been almost purely ecclesiastical, and I think the less we have of the ecclesiastical in this House the better. I recollect that a very distinguished relation of my hon. and learned Friend the Solicitor General in one of his poems speaks of—

> "Warriors, lords and priests,
> All these sore ills that vex and desolate our
> mortal life."

Little sympathy as I have with warriors and lords as devastators and rulers of mankind, I am not sure that the mischiefs which they have inflicted upon our race have been greater than those we have suffered from the domination and tyranny of priests. Why, the hon. and gallant Member for the county of Langford read a portion of a letter from a very eminent ecclesiastic in this country—a gentleman for whom I have in many respects great admiration and respect—but he did not read the whole of the letter. But what the letter was intended to state was this—that so far as the Catholic Church was concerned they felt it a grievance that in this country the law is as it is, because under it the dispensations of their Church have no effect. They are anxious that the members of their Church should be relieved from this law, but still remain subject to the law of their own Church; and they are content to impose this law upon the greater number—the millions of this country who do not belong to that Church. I think that is an argument which, at least in this House of Commons, will have no weight, and that we may entirely dismiss it from this discussion. Generally it is admitted, I think, as my right hon. Friend the Member for Morpeth (Sir George Grey) says, and says truly, that there is no authority in the Old Testament to justify or to necessitate the present state of our law. The hon. Gentleman opposite (Mr. Beresford Hope) gives us his interpretation of a certain passage in the book of Leviticus; and, if his interpretation be true, it only upsets the authority of the passage with regard to this Bill. As it stands, the passage is in favour of the Bill, if English be English. Has he proposed to alter it? He merely destroyed its authority in favour of the Bill, but he does not establish its authority in favour of the existing law. If, then, there be no Divine law in the case, I would say to the House of Commons—"When you come to a matter of so vast and surpassing an interest to those concerned, and propose to interfere with the natural liberty in this great matter, surely you ought to have a clear and overwhelming case." Such a case has never been stated. The only case we have heard stated is a dreamy and visionary one, and it is generally not one of facts, but rather of prophecy. It is denied and repudiated by multitudes. It is altogether disregarded by many other nations, particularly by that nation which most resembles our own—the English nation on the other side of the Atlantic. If there be no Divine law, then, against this proposition, where is the natural law? What is the reason that any man in the world may not marry any other woman in the world, provided she be willing? Why, it is only the reason of natural kinship or relationship of blood. In the Church of the hon. Member opposite (Mr. Beresford Hope), and, for aught I know, in the Church of the hon. Member for Longford (Mr. O'Reilly), marriages are permitted between first cousins. Is there any man so utterly devoid of common sense as to say that, on every natural ground, there is not much more objection to marriages between first cousins than with a deceased wife's sister?

Mr. O'REILLY: I never said so. Marriages between first cousins are prohibited by the Catholic law, exactly as are marriages with a deceased wife's sister.

Mr. BRIGHT: I said I was not aware what was the state of the Catholic law on the point. But I turn to the Church of England, and surely, after swallowing that camel, there is no need to strain at this gnat. What does the Chancellor of the Exchequer say if a man leaves a legacy to his wife's sister? Does he charge 1 per cent or 10 per cent? Why, of course, she is not a relation in blood. She is held to be entirely a stranger, and Parliament has determined, and rightly determined, she is to pay, if anybody is to pay, the higher rate of taxation. Now, let us not mete out one measure in one matter and another measure in another matter, but let us look at this question from a practical and common sense point of view. The hon. Member for the University of Cambridge (Mr. Beresford Hope) with that latitude of assertion which he so often indulges in, says 90 per cent of the people of this country are in favour of the present state of things. [Mr. Beresford Hope: I never quoted that figure at all.] Then I must be mistaken, and I apologize to the hon. Gentleman; but I think he said he was pleading the cause of millions against the few, and the right hon. Member for North Hampshire (Mr. Sclater-Booth) spoke more strongly of there being 90 per cent in favour of the law as it stands. Now, there is not the slightest proof of that. The proof to the contrary is this — that, generally speaking—and I speak from my own knowledge of many instances—there is no feeling of condemnation whatever in the public mind against persons who contract these marriages which are forbidden by the law of the country. I might appeal to the hon. Member for the University of Cambridge, or the right hon. Member for North Hampshire, or any other Member of the House who knows cases in which marriages of this kind are contracted, to say, do they themselves deem the man who marries his deceased wife's sister a profligate man? No, not one of you deem him so. I daresay the hon. Member for the University of Cambridge has such a man for his bosom friend. Is there any man here who regards a woman so married as an immoral person, as a person who is not fit to visit his house, and whose society he thinks would be likely to taint the minds of his wife and daughters? No such thing exists; and if there be children of these marriages what happens? Although you pity them, because of the injustice of the law, there is not a man of you cruel enough—I had almost used a harsher word — to point to those children by the almost odious name of bastard. There has been mention of religious societies, and the evidence has been given of men most eminent in the Christian religion and representing almost all the Churches into which the professors of that religion are divided. The hon. and learned Member for Marylebone (Mr. T. Chambers) referred to the very small society of which I am a member. Now I shall say nothing of the women of that society which I believe any other man who knows anything of their character would not say; and I say that there are no women in the world to be found of purer character or more stainless lives. And yet I undertake to say—and I undertake to say it without fear of contradiction—in that society these marriages are not in any way reproved or condemned; and when they do take place, which in so small a body is not often, the discipline of the society is not brought into action against the parties who have contracted them. I am assured there is nothing so good for discussions of this kind as a short phrase, especially if it sounds well, and does not mean much. Well, then, I am told by a great authority that this Bill will abolish sisters-in-law. Now there is no man in the world would be more sorry that sisters-in-law should be abolished than I should, for I know nobody more indebted to sisters-in-law than I am. In the New England States—and there is no more instructed and moral society in the Christian world than in the New England States — these marriages are not discouraged; they take place with ordinary frequency, and I never heard anybody from those States say that sisters-in-law were abolished, and that they were not the same valuable, and the same admirable, and the same loveable persons in a family that they are found to be in so many families in this country. The notion of abolishing sisters-in-law by the passing of this Bill appears to me preposterous and extravagant, and the phrase is one which no man ought to use who is accustomed to exactness in argument, or who does not wish to get an undue advantage over those with whom he is discussing a question. The hon. Gentleman who spoke from that Bench (Mr. Sclater-Booth) dwelt particularly on the argument of social inconvenience—I think he said he would even rest the question on it. He said that the social inconvenience arising from this Bill would be so great that he must oppose it, and, indeed, he thinks it is very improper that a measure like this should be brought forward Session after Session in this House. But this social inconvenience has never been proved. Is there any measure that has ever passed in this House on which there has not been somebody to tell us of the social inconvenience which would happen from it if passed into law? I have heard this question discussed many times in the society of women, women of cultivated minds and admirable in their lives, and I must say I never heard any of those fearful things foretold which we have sometimes heard foretold from that side of the House, and which we may hear possibly from this side. It is proved that in every Christian country of the world but this, under certain conditions, and under certain difficulties not insurmountable, these marriages are permitted, and may be contracted. It is notorious that in many countries the freedom is perfect; but no man has ever had any proof from those countries that the social inconveniences, which we are now threatened with as a consequence of the passing of the Bill, have been there experienced, or that there is any disposition on account of them to change the law, and revert to the custom which prevails with so much social inconvenience in this country. What should Parliament and the nation do in a matter of this kind? Surely freedom should be the great rule; surely men and women are themselves, on the whole, the best judges of the matrimonial contracts they should make, and if there be any hindrance—if Parliament steps in to say they shall not be united, though neither Scripture nor nature has forbidden the union, surely Parliament should have a better reason than a visionary prophetic anticipation of social inconveniences, which, if we are to be guided by the experience of other nations, there is no fear will ever arise amongst us. Well, then, it is merely a sentiment we are combating, and one which it is not easy to overcome. An hon. Gentleman said the other night that there is no arguing with fear, and it may be that there is no arguing with apprehension, or with a belief that, if this Bill passes, sisters-in-law will be abolished, and our whole social and family system disturbed. But I trust the House will follow what I believe is the general sentiment of the nation—not that you should encourage by law these marriages, or any particular marriages, but where there is no fundamental objection on which to base your legislation, that you should leave men and women to their natural freedom in this great matter. I have always thought that the matter referred to by two or three speakers—that of the interests of the children—is of immense importance in dealing with the question. Apart from the consideration of the freedom of the man and woman who propose to marry, this matter is of the greatest importance to the motherless children who are left, and it is notorious beyond dispute that there have been numbers of cases—and there might have been multitudes more if this law had not existed—where a dying mother has hoped that her sister might become, in a nearer sense than as their aunt, the protector and friend of the children whom she was about to leave behind her. Is it not a common thing—I know it is cruel and brutal—to represent in stories and on the stage, that step-mothers are not kind to the children they come to take care of. I believe that in the vast majority of cases no statement can be more slanderous than that; but if there be anything in it, surely the woman who comes as an aunt to take charge of the household, and take those children to her bosom, may be free from any charge of that kind, and the husband may look to her with the utmost confidence to discharge the offices of a parent to those who have been bereft of their mother. Then another point to be considered is the respective effects of this law upon the poor and upon the rich. I will not put it upon the ground of the claim of the poor. I put it on the higher ground of the natural claim to justice and freedom, and the right to justice among all classes. But if you look to the practical result, you find it to be that a man who can bear the expense of taking himself and his wife that is to be to some foreign country, can there marry in a manner which, if it does not meet the requirements of your law, meets the requirements of a much higher law—the law of his own conscience; and therefore such marriages are every day taking place. But the poor man is bound by the conditions of a particular system, out of the limits of which he cannot move, and he here finds that, unless by subterfuge, and perhaps by fraud, he is unable to contract such a marriage; and by consequence evils to morality often arise, which it is not necessary in a discussion of this kind to detail. The law is of that nature that it is utterly impossible to make it just and equal to rich and poor in this country. The rich can evade it; the poor have no outlets and loopholes. You have them in your clutches,—in the trammels of this law,—and they cannot escape. I trust that the hon. Members of this House, who are so often called upon by the country to protect the helpless by their legislation, will feel that perhaps no single question can come before them which more appeals to their sympathies for liberty and justice than that which is before them to-day. I say, then, in a sentence, we are asked to deny a rightful liberty for the sake of yielding to that which I believe is neither a case nor an argument, but which is merely a sentiment. We have overthrown a good many sentiments since I came into this House, with immense advantage to the people of this country. We have cleared from the floor of this House questions which have troubled us for many years. This question has haunted us for years, and it is like the others—it cannot be laid to rest by a fiat of this House, except by doing justice; because, in a country like this, with freedom of writing, and freedom of speech, and freedom of action, and freedom to pass from the country, these marriages will be contracted, and this law will be constantly protested against by the force of public opinion; and from year to year Parliament will be asked to do that which they may time after time refuse, but which at length they will certainly enact. The hon. Gentleman the Member for the University of Cambridge (Mr. Beresford Hope) spoke, I think, in language not becoming of my hon. and learned Friend who brought forward this Bill (Mr. T. Chambers). He spoke of him as being employed by somebody out-of-doors to advocate this question. We may have, in all our arguments and discussions of this question, friends and supporters out-of-doors, as some of us have had many; but does any man who heard my hon. and learned Friend in his admirable and conclusive speech, doubt that he has as strong an opinion in favour of the Bill from the light of his own reason and conscience as any hon. Gentleman on those Benches, or on these, can possibly have against it? Let us not, then, treat this as a question merely to joke about, or merely to talk ecclesiastical rubbish about, or as a question on which we can speak depreciating language of the hon. and learned Member of this House who has brought it forward; but let us look at it as one that affects many thousands of the people of this country in their nearest and deepest interests. I know men, I know women, married in violation of the existing law, who are looking forward to the result of this debate with an interest which it is utterly impossible that all the debates of this Session can exceed, or even approach. On a question so grave to them, and by your own showing admitting of so much doubt, I think I may entreat this House to give, by an emphatic vote, their sanction to this principle—for it is all I ask—that the common liberty of men and women in this country, in the chief concern of their lives, shall not be interfered with by a law of Parliament which has no foundation in nature, and which, while pretending to sanction from revelation, is, in fact, contrary to its dictates.

The SOLICITOR GENERAL said, it was difficult for an opponent of this Bill to discuss it after such a speech from the greatest orator of the day, who, with evident sincerity, told the House beforehand that there was nothing against the Bill but sentiment—that there never had been an argument against its principle and never could be. Happily, however, there was nothing of party in this question. A Conservative might entertain very lax views about the marriage laws, and it would be equally consistent of a Liberal and a Free Trader to be a Protectionist in this matter. He wished he could avoid a public maintenance of the opinions which he entertained on this question; but, obscure though the position which he held in the House of Commons was, he felt that, under present circumstances, it would not become him to do so. He could not altogether understand the ground on which this question was forced on the attention of Parliament Session after Session; because, though he did not deny the statement of his right hon. Friend (Mr. Bright) that many persons were looking to the issue of this debate with the greatest interest, it was undeniable that the great majority of the inhabitants of these islands, of both sexes, were perfectly content, so far as their own practice and their own opinions were concerned, with the present state of the law, and that, as far as their own individual convictions went, they did not desire to have it altered. ["No, no!"] He had never heard it contested that the great majority of the people of this country, with regard to their own practice, were quite content to let the law remain as it is. Very many of them might think that as regarded others there is a hardship, but as far as their own convictions they are content with the law as it is. On what ground, then, did his hon. and learned Friend the Member for Marylebone (Mr. T. Chambers) put this Bill forward? It was not correct to say that they were merely asked to retrace their steps—that the prohibition had been introduced for the first time by the Act known as Lord Lyndhurst's Act. This marriage with a deceased wife's sister had always been a bad marriage, and could have been set aside by the action of the ecclesiastical courts. Although it might be true that the procedure of these courts was bad, irregular, and corrupt, and that they had from time to time lent themselves to evasions of the law, still they had operated as a bar to these marriages, and those who contracted them knew that they did so at considerable risk. No doubt, the marriage law had varied the form of procedure against this particular kind of marriage, but the law itself had remained the same from the earliest times, and he was not aware that in the case of incestuous marriages—such as marriages between a father and daughter or a brother and sister—there was any other way of setting the marriage aside than by the action of the ecclesiastical courts. Well, the law prohibiting marriage with a deceased wife's sister having been approved and acted upon by the great majority of the people of this country, he thought the *onus* lay on those who attempted to alter it to make out a much better case than they had put before the House of Commons. He did not base his objection to the Bill on a religious ground, except so far as this—that he thought it could not be denied that our legislation in reference to marriage had proceeded on the assumption commonly made—he did not say rightly made—that certain marriages were forbidden by the laws of religion. He was not ashamed to own that it did appear to him that both the Old Testament and the New were against marriage with a deceased wife's sister; but he never thought of urging his religious opinions against those of other men. A man's religious opinions were sufficient for his own conscience, but they were bad bases of argument against persons who did not believe in them. Therefore, he never would force on any man who did not believe in them arguments drawn from religion.

But he was entitled to say this that, rightly or wrongly, for centuries, from the earliest times, our legislation had proceeded on the assumption to which he had referred, and that assumption had entered into our social life and our common morality. That being so, was there any foundation in past history—he spoke with trembling after his right hon. Friend's denunciation of ecclesiastical history—for such an alteration of the law as was now proposed? The Christian Churches—the Eastern and the Western, the Greek and the Roman, the so-called orthodox and the so-called heretical—for the first fifteen centuries had prohibited these marriages. As to the history of the Roman Catholic Church since the Reformation, it was no authority for us. The Roman Catholic Church had multitudinous prohibitions, involving almost impossible restrictions, with a large power of dispensation in ecclesiastical hands to mitigate their severity. Every one knew that in the Roman Catholic Church there were prohibitions to marriage between relations, which, on application to the ecclesiastical authorities were, he would not say often, but sometimes removed. The prohibitions of the Church of England were few, but they were enforced. In his opinion our system was the better of the two; but, be that as it might, he held that the ecclesiastical arrangements of Roman Catholic countries were really no arguments for the House of Commons in legislating on those subjects. Dispensations were sometimes granted in Roman Catholic countries for marriages which the people of this country would not like to see legalized. Nor could the reference which had been made to other nations afford us an authority on the point. They knew that in some nations brothers and sisters of the half-blood had been allowed to marry. Everyone who would give himself the trouble to think on the matter would see that the laws of marriage must be conventional. Marriages which might be right and decent in one age might be wrong and hateful and improper in another age. He admitted that there was no natural horror of the marriages in question, and that there was no bar created by the operations of nature against such marriages; but what he contended was that the existing law was in accordanec with the sentiment of the country. Despite what had been said by his right hon. Friend on there being no argument against the Bill, he hoped that his hon. and learned Friend would bear with him when he said that it was a Bill without principle. Why did it not go on to legalize other marriages which, if its principle were worth anything, ought to be legalized? Why did it not legalize marriage with a deceased husband's brother, and with a wife's niece? From what he had heard of his hon. and learned Friend's speech, he concurred with his right hon. Friend the President of the Board of Trade that it was an able and exhaustive speech. But why did the Bill stop short in the application of what was said to be its principle? Then, was it to catch the votes of the Scotch Members that, while the Bill would be retrospective in England and in Ireland, it would only be prospective in Scotland. The child of a marriage contracted in England or Ireland, under this Bill, would be legitimate in England or Ireland, and would inherit English or Irish estates, whereas the child of the same marriage would be held illegitimate in Scotland.

Mr. CHAMBERS said, his hon. and learned Friend could not have heard him when he stated that it was intended to alter the Bill in respect of the point just referred to by his hon. and learned Friend.

The SOLICITOR GENERAL said, he was glad to hear that explanation, for the matter required it. No doubt the Bill could be altered in Committee, but having it merely prospective as regarded Scotland, when the Motion for the second reading was still to be carried, had appeared very like a clever arrangement for securing Scotch votes. This was in truth a private Bill. It was the result of a paid agitation, and of the efforts—he by no means said of the unnatural and improper efforts, but undoubtedly of the efforts—of a few rich men, who, having broken the existing law, wished to repeal it against the wishes of the great majority of the English nation. He said that was a very bad principle of legislation, and a very bad precedent for the House of Commons to act on. If any question in the world was a woman's question, this was a woman's question. It was said that the process of conversion was going on; but the great majority of the women of this country were still unconverted to the doctrine of his hon. and learned Friend; and he asked the House whether it would be a reasonable thing or a generous thing to legislate on the marriage law against the will and the feelings of one of the sexes concerned in the matter? But it was also a man's question; and he objected to the Bill because it destroyed one of the most blessed and delightful relations in which a man can stand towards a woman, and narrowed the circle of that affection into which passion could not enter; which was the best and noblest cultivation of the highest and purest parts of our nature, and to which he believed any hon. Gentleman, if he did justice to himself and spoke candidly, would say, as his right hon. Friend had said, he owed more than he could well acknowledge. But there was also this further objection, that it was an attempt to legislate, not to protect a minority, but to injure a majority. It was in truth a Bill for the abolition of sisters-in law to please some few who wanted to marry them. He thought that the proposal was not fair, reasonable, unselfish, or really liberal; and with all possible respect, therefore, for those who differed from him, and sincere regret for the unhappiness which had undoubtedly, in some cases resulted from the breaking of the law, he trusted that a Liberal Parliament, believing this to be an old law, believing it to be a good law, and believing it to be a wise law, believing. moreover, that it had worked well hitherto, and that no case had been brought forward against, it would refuse to allow it to be altered, and would reject the second reading of the Bill.

Question put, "That the word 'now' stand part of the Question."

The House *divided* :—Ayes 243; Noes 144: Majority 99.

AYES

Akroyd, E.
Allen, W. S.
Amcotts, Col. W. C.
Anderson, G.
Anstruther, Sir R.
Antrobus, E.
Ayrton, A. S.
Backhouse, E.
Baines, E.
Barclay, A. C.
Barrington, Viscount
Bass, M. A.
Baxter, W. E.
Bazley, T.
Beaumont, Capt. F.
Beaumont, H. F.
Beaumont, W. B.
Bentall, E. H.
Bentinck, G. C.
Bonham-Carter, J.
Bourke, hon. R.
Bowring, E. A.
Brady, J.
Brand, rt. hon. H.
Brassey, H. A.
Brassey, T.
Brewer, Dr.
Bright, J. (Manchester)
Bright, rt. hon. J.
Brinckman, Captain
Briscoe, J. I.
Brogden, A.
Brown, A. H.
Bruce, Lord C.
Buxton, C.
Campbell, H.
Candlish, J.
Carington, hn. Cap. W.
Carnegie, hon. C.
Carter, Mr. Alderman
Cartwright, W. C.
Cave, T.
Cavendish, Lord F. C.
Cawley, C. E.
Chadwick, D.
Cholmeley, Captain
Clifton, Sir R. J.
Colebrooke, Sir T. E.
Collier, Sir R. P.
Colthurst, Sir G. C.
Cowen, J.
Cowper, hon. H. F.
Crawford, R. W.
Dalglish, R.
Dalrymple, D.
Damer, Capt. Dawson-
D'Arcey, M. P.
Davie, Sir H. R. F.
Delahunty, J.
Denison, C. B.
Denman, hon. G.
Dent, J. D.
Devereux, R. J.
Dick, F.
Dickinson, S. S.
Digby, K. T.
Dilke, C. W.
Dillwyn, L. L.
Dodds, J.
Dodson, J. G.
Downing, M‘C.
Dowse, R.
Edwardes, hon. Col. W.
Egerton, Capt. hon. F.
Enfield, Viscount
Ennis, J. J.
Eykyn, R.
Fagan, Captain
Fawcett, H.
Fielden, J.
Figgins, J.
Fitzmaurice, Lord E.
Fitzwilliam, hn. C.W.W.
Fletcher, I.
Forster, C.
Forster, rt. hon. W. E.
Fortescue, hon. D. F.
Fowler, W.
French, rt. hon. Col.
Galway, Viscount
Gilpin, C.
Glyn, G. G.
Goldsmid, Sir F. H.
Gower, hon. E. F. L.
Gourley, E. T
Gray, Sir J.
Grey, rt. hon. Sir G.
Grosvenor, Earl
Grosvenor, Lord R.
Grosvenor, Capt. R. W.
Grove, T. F.
Hadfield, G.
Hanmer, Sir J.
Harcourt, W. G. G.V.V.
Harris, J. D.
Hartington, Marquess of
Haviland-Burke, E.
Headlam, rt. hon. T. E.
Henderson, J.
Henley, Lord
Herbert, H. A.
Hick, J.
Hill, A. S.
Hoare, Sir H. A.
Hodgkinson, G.
Holms, J.
Howard, hon. C. W. G.
Howard, J.
Hughes, W. B.
Illingworth, A.
James, H.
Johnston, A.
Johnston, W.
Johnstone, Sir H.
Kavanagh, A. MacM.
King, hon. P. J. L.
Kingscote, Colonel
Kirk, W.
Knatchbull-Hugessen, E. H.
Lambert, N. G.
Lawrence, W.
Lawson, Sir W.
Lea, T.
Leatham, E. A.
Lefevre, G. J. S.
Lewis, J. D.
Liddell, hon. H. G.
Locke, J.
Lowe, rt. hon. R.
Lowther, J.
Lusk, A.
Lyttelton, hon. C. G.
M‘Arthur, W.
M‘Clure, T.
Macfie, R. A.
M‘Mahon, P.
Manners, Lord G. J.
Marling, S. S.
Martin, C. W.
Meller, Colonel
Mellor, T. W.
Merry, J.
Miall, E.
Milbank, F. A.
Mitchell, T. A.
Moore, C.
Morgan, hon. Major
Morley, S.
Morrison, W.
Mundella, A. J.
Muntz, P. H.
North, F.
Norwood, C. M.
O'Loghlen, rt. hon. Sir C. M.
Onslow, G.
O'Reilly-Dease, M.
Palmer, J. H.
Pease, J. W.
Peel, rt. hon. Sir R.
Pelham, Lord
Philips, R. N.
Plimsoll, S.

Pochin, H. D.
Pollard-Urquhart, W.
Portman, hon. W. H. B.
Potter, E.
Potter, T. B.
Powell, W.
Price, W. E.
Price, W. P.
Ramsden, Sir J. W.
Rathbone, W.
Read, C. S.
Rebow, J. G.
Reed, C.
Richard, H.
Richards, E. M.
Ridley, M. W.
Rothschild, Brn. L.N.de
Rothschild, Brn. M.A. de
Rothschild, N. M. de
Russell, A.
Russell, H.
Rylands, P.
St. Lawrence, Viscount
Salomons, Mr. Ald.
Samuda, J. D'A.
Samuelson, B.
Samuelson, H. B.
Sartoris, E. J.
Scott, Sir W.
Shaw, R.
Shaw, W.
Sheridan, H. B.
Sherlock, D.
Sherriff, A. C.
Sidebottom, J.
Simeon, Sir J.
Simon, Mr. Serjeant
Smith, J. B.
Smith, T. E.
Stacpoole, W.
Stepney, Colonel
Stone, W. H.
Strutt, hon. H.
Sturt, Lt. Col. N.
Talbot, C. R. M.
Taylor, P. A.
Tipping, W.
Tollemache, hon. F. J.
Tollemache, J.
Torrens, R. R.
Torrens, W. T. M'C.
Tracy, hon. C. R. D. H.
Trelawny, Sir J. S.
Trevelyan, G. O.
Vivian, A. P.
Vivian, Cap. hn. J.C.W.
Walsh, hon. A.
Wedderburn, Sir D.
West, H. W.
Westhead, J. P. B.
Whalley, G. H.
Wheelhouse, W. S. J.
Whitwell, J.
Whitworth, T.
Williams, C. H.
Williamson, Sir H.
Willyams, E. W. B.
Wingfield, Sir C.
Winterbotham, H. S. P.
Wright, Colonel
Young, A. W.

TELLERS.

Chambers, T.
Bury, Viscount

NOES.

Allen, Major
Annesley, hon. Col. H.
Assheton, R.
Aytoun, R. S.
Bailey, Sir J. R.
Barnett, H.
Barttelot, Colonel
Bateson, Sir T.
Beach, Sir M. H.
Beach, W. W. B.
Benyon, R.
Blake, J. A.
Blennerhasset, Sir R.
Booth, Sir R. G.
Bourne, Colonel
Bright, R.
Brise, Col. R.
Broadley, W. H. H.
Burrell, Sir P.
Cameron, D.
Cartwright, F.
Cave, rt. hon. S.
Cavendish, Lord G.
Charley, W. T.
Child, Sir S.
Clive, Col. hon. G. W.
Cogan, rt. hon. W. H. F.
Cole, Col. hon. H. A.
Coleridge, Sir J. D.
Collins, T.
Conolly, T.
Crichton, Viscount
Cubitt, G.
Dalrymple, C.
Davenport, W. B.
Dawson, R. P.
Denison, E.
Dimsdale, R.
Dowdeswell, W. E.
Dundas, F.
Du Pre, C. G.
Egerton, E. C.
Egerton, Sir P. G.
Egerton, hon. W.
Elcho, Lord
Esmonde, Sir J.
Ewing, A. O.
Ewing, H. E. C.
Feilden, H. M.
Fellowes, E.
Finnie, W.
Floyer, J.
Forde, Colonel
Forester, rt. hon. Gen.
Fowler, R. N.
Gavin, Major
Gladstone, W. H.
Gooch, Sir D.
Gore, J. R. O.
Grant, Col. hon. J.
Graves, S. R.
Greville-Nugent, Col.
Grieve, J. J.
Guest, A. E.
Hambro, C. T.
Hamilton, I. T.
Hardy, rt. hon. G.
Hardy, J.
Hardy, J. S.
Hay, Sir J. C. D.
Henley, rt. hon. J. W.
Henniker - Major, hon. J. M.
Hildyard, T. B. T.
Holford, R. S.
Holmesdale, Viscount
Holt, J. M.
Hope, A. J. B. B.
Hunt, rt. hon. G. W.
Hutton, J.
Ingram, H. F. M.
Kekewich, S. T.
Langton, W. H. P. G.
Legh, W. J.
Lindsay, Col. R. L.
Lorne, Marquess of
Lowther, W.
M'Combie, W.
Mackintosh, E. W.
M'Lagan, P.
M'Laren, D.
Maitland, Sir A. C.R.G.
Manners, rt. hn. Lord J.
March, Earl of
Matheson, A.
Maxwell, W. H.
Miller, J.
Milles, hon. G. W.
Mills, C. H.
Monsell, rt. hon. W.
Montgomery, Sir G. G.
Morgan, C. O.
Mowbray, rt. hon. J. R.
Neville-Grenville, R.
Newdegate, C. N.
Newport, Viscount
Nicholson, W.
Northcote, rt. hon. Sir S. H.
O'Donoghue, The
Paget, R. H.
Parker, C. S.
Parker, Major W.
Patten, rt. hon. Col. W.
Peel, A. W.
Pemberton, E. L.
Percy, Earl
Phipps, C. P.
Pim, J.
Raikes, H. C.
Robertson, D.
Round, J.
Sandon, Viscount
Scott, Lord H. J. M. D.
Selwin - Ibbetson, Sir H. J.
Shirley, S. E.
Smith, A.
Smith, S. G.
Smith, W. H.
Starkie, J. P. C.
Stronge, Sir J. M.
Sykes, C.
Sykes, Col. W. H.
Talbot, J. G.
Tomline, G.
Turner, C.
Turnor, E.
Verney, Sir H.
Walpole, rt. hon. S. H.
Waterhouse, S.
Welby, W. E.
Wethered, T. O.
Whitmore, H.
Williams, F. M.
Wise, H. C.
Winn, R.

TELLERS.

Sclater-Booth, G.
O'Reilly, M. W.

Main Question put, and *agreed to.*

Bill read a second time, and *committed* for *Tuesday* 4th May.

LOCAL GOVERNMENT SUPPLEMENTAL BILL.

On Motion of Mr. KNATCHBULL-HUGESSEN, Bil to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the districts of Bideford, Bournemouth, Bowness, Bristol, Croydon (two), Fleetwood, Hanley, Harrogate, Litchurch, Litherland, Portsmouth, Rochdale, Ryde, and Worthing; and for other purposes under that Act, *ordered* to be brought in by Mr. KNATCHBULL-HUGESSEN and Mr. Secretary BRUCE.

Bill *presented,* and read the first time. [Bill 90.]

House adjourned at
Five o'clock.

HOUSE OF LORDS,

Thursday, 22*nd April*, 1869.

MINUTES.]—*Sat First in Parliament*—The Earl De La Warr, after the death of his Father.
Public Bill—*Second Reading*—Increase of the Episcopate (34), *negatived.*

INCREASE OF THE EPISCOPATE BILL.

(*The Lord Lyttelton.*)

(NO. 34.) SECOND READING.

Order of the Day for the Second Reading, read.

Lord LYTTELTON, in moving that the Bill be now read the second time, said, that there being a new Parliament and a new Government, he had consented once more to raise this question, though it would easily be believed that he wished some one else had undertaken the task, having failed so often in the attempt that his appearance seemed an emblem and symbol of failure. The measure was substantially the same as that which he had introduced in previous Sessions on the same subject, but was somewhat simpler in its provisions. He had been termed an enthusiast in this matter; but he had no desire to be particularly enthusiastic on this or any other subject, and he had always argued it, not on any grounds of enthusiasm, but as a simple question of arithmetic and common sense. He had seen it urged that, whatever the state of the Episcopate might be, the Church and society would accommodate themselves to it; and no doubt they would do so, just as a man might accommodate himself to the loss of an arm or a leg; but according to an old saying, the prejudice was in favour of two, and so there surely ought to be some proportion between the numbers of the Bishops and those of the population. This Bill was analogous to existing enactments for the subdivision of parishes, for it provided a self-acting machinery by which, under proper regulations, sees might be divided; and he had received a letter from the Bishop of Lincoln, who, being the junior Prelate, had not at present a seat in the House, expressing an earnest desire that it might become law, his own diocese being far too large to be properly administered; and he said that, having travelled over the whole of that large county, he had heard but one regret and one desire expressed—regret that the Bill of 1867 had not passed into law, and desire that the Bill of 1869 should become law. He did not himself care much for the details so long as the substantial object of increasing the number of sees was attained, and in framing the measure he had sought to conciliate differences of opinion and to give it the best chance of being passed. He had omitted the long Preamble reciting the testimony of various Ministers of the Crown and of Royal Commissions to the fact that an increase of the Episcopate was required, and the main provision was one empowering the Ecclesiastical Commissioners to prepare schemes for the division of dioceses on their avoidance, or previously with the consent of the respective Bishops, and for the union of portions of several dioceses into a new diocese, and to provide, if they thought proper, a capitular body. Any such scheme must be approved by Her Majesty in Council, and must be laid on the table of both Houses of Parliament, the disapproval of either House within a given time being fatal to it. Short, therefore, of requiring a distinct enactment for every scheme of the kind, no more effective safeguards could be devised. As to the endowment of the new sees, he proposed that it should be raised entirely by voluntary contributions. He thought it, indeed, the merest superstition to maintain that this was not a reasonable charge on the funds of the Ecclesiastical Commissioners; but he was bound to consider the shape in which the Bill would have the best chance of success, and he knew it could not pass with such a provision. Considering too the enormous wealth of the country, which, according to his noble Friend (Lord Overstone), was increasing at the rate of at least £100,000,000 a year, he thought it in itself most reasonable and most according to primitive example that this wealth should be first appealed to for the supply of the necessary funds. He admitted, indeed, that unless the people of Cornwall or any other county were prepared to bear the expense, they did not deserve to have an additional Bishop. It was well known that some years ago a clergyman offered the whole income of a parish in Cornwall, amounting to about £1,600 a year, towards the creation of a new see; but, unfortunately, the opportunity was lost, and that liberal gentleman, engaging in speculation, lost a great part of his property. This instance, however, was a specimen of what might be done by voluntary contributions; and the amount required was really not very large. It was sometimes suggested that if a bishopric was divided, the income should be divided also; but this was an entire fallacy. It was assumed that a Bishop did his utmost, and his income was not too much according to the work he could get through; but, in some of the dioceses, the work was much more than a Bishop could possibly perform. On a former occasion it was proposed that the smallest income of the existing dioceses should be the minimum for the new sees; but, on consideration, he thought it expedient to depart from that principle, partly because of the difficulty there would be in raising so large a sum, and partly because he saw no necessity for it. The social, political, or ecclesiastical position of Bishops did not depend on their financial position; their incomes always had differed very much, formerly much more than now, and his proposal was to fix the minimum at £2,500 per annum. Considering the possibility of future augmentation from further contributions, and of persons of private means being appointed, he believed this arrangement would work very fairly. He should not, however, insist on this or any other point of detail. Warned by experience, he had not introduced the question of suffragan Bishops; for though this step would partly answer the same object, that of increasing the working power of the Episcopate, it was a difficult question, and ought to be handled separately. Overworked Bishops, no doubt, required suffragans, and the present state of certain sees in the South of England, the Bishops of which were wholly or partially disabled, was much to be deplored; but no provision for the appointment of suffragan Bishops would meet the case of overgrown and populous dioceses. With regard to seats in Parliament, he proposed that the number of Bishops sitting in the House should not be increased, but that the principle of rotation should be extended to the increased number of Bishops. He did not attach much weight to the objection against the temporary exclusion of some Bishops from Parliament, and against an inequality of income based on what he might call the "hush" argument.

When an alteration was proposed in any old institution people sometimes said—"Hush! you had better say nothing about it. The institution is rotten, but it may last our time if left alone. If you say anything about it it will tumble down." On this ground it was feared that, if some of the Bishops were excluded from Parliament, all would be excluded, and that, if some had only £2,500 a year, all would be reduced to that sum. Now, if this argument was well founded, he should think it idle to attempt to maintain the present system. No institution in these days could or ought to last unless it would bear free discussion. But he did not share those fears, and he believed that the system of Bishops sitting in Parliament worked very well, and that the country was well content that it should continue, if it were but for the common-sense view of Paley, that it was only an equivalent for the exclusion of the clergy from the House of Commons. At any rate, he could not see that the system would be prejudiced by the rotation principle being extended to the new sees. Their Lordships would remember that, in 1867, the House of Commons decided that the Bishops to be created under the Bill should not sit in the House of Lords, and that under the direction of the then Archbishop of Canterbury, this House disagreed with the Amendment; the result being that the Bill fell through. Should the House of Commons pursue the same course on this occasion, he trusted that the Bill would come back to their Lordships at an earlier period than was the case in 1867, when, it being near the end of the Session, there was a thin attendance, and the House, under those circumstances, guided by the right rev. Bench, thought it undesirable to reverse their former decision. He trusted that, if the two Houses again differed on this point, their Lordships would hesitate before they allowed the Bill to fall through on that single ground. He hoped no objection would be offered to the Bill at the present stage.

Moved, "That the Bill be now read 2ª."—(*The Lord Lyttelton.*)

THE ARCHBISHOP OF CANTERBURY: My Lords, I have to thank the noble Lord for his courtesy in postponing the Bill last week. I must, however, remark that I was obliged to request the postponement, from the fact that no Member of the Episcopal Bench had been consulted as to the details of the Bill; and I cannot help thinking that, if we had been consulted, some of the difficulties in the way of it might have been removed. I cannot say that I can give the Bill a hearty support; for though I grant that an evil exists, I do not feel that it exists to the full extent that has been stated, and I do not quite feel that this measure meets the evil that does exist in the best possible manner. The evil is, that there is no efficient episcopal superintendence for some of the large populations. When I had the honour of presiding over the diocese of London, I was instrumental in carrying a Bill which transferred from London to the see of Rochester a population of 300,000, and also in arresting the operation of an Act, passed twelve or fifteen years previously, whereby, at the next vacancy in the see of Winchester, the diocese of London would have been increased by about 500,000 additional souls. Now, though rejoicing that the see of London was saved from such an overwhelming responsibility as must have devolved upon it had not that change been made, it was impossible not to see that there remained an enormous population for that diocese, and that the dioceses of Rochester and Winchester were becoming too large for the management of a single Bishop. Hence it has, I think, been for a long time the opinion of the Episcopal Bench that Earl Russell was right in stating, now many years ago, that it was desirable to erect several additional sees. At the time of the foundation of the see of Manchester the proposal, I think, was that four additional sees should be created; and the subject has since been discussed both in this House and by a Select Committee, on which I had the honour to sit; the opinion as well of the House as of the Committee being that some increase of the Episcopate was necessary to meet the vast increase of population. I believe, too, that I am right in saying that the clergy, represented by the two Houses of Convocation, have expressed their opinion that additional sees should be created. I can speak of my own feeling with regard to a new diocese in the immediate neighbourhood of London, and I am ready to accept the testimony of others better informed than myself as to a division of Exeter and Lincoln. I am convinced, however, and so, I think, are most of my Brethren, that an indefinite extension of the Episcopate is not desirable. Now, there is something indefinite in the proposal of the noble Lord. Supposing his Bill to take effect a great number of sees might be created, thereby doing no particular good; while, on the other hand, there is the possibility that no sees whatever may be created. If successful it goes beyond what is required; if not successful, it does nothing at all. To trust to the chapter of accidents or to voluntary contributions to remedy an acknowledged evil is hardly the way in which Parliament should deal with this important question. I am also of opinion that there is a difficulty in the way of creating two different sets of Bishops. We had much discussion on that point in 1867, and the difficulties then suggested have not, I think, been removed by the provisions of this Bill. I should have preferred to limit the number of new Bishops to the number really required, and to take some steps by which we should have an assurance that those required would be really secured. Another difficulty attaches to voluntary contributions. It is of the utmost importance, in a constitutional point of view, that the nomination should remain in the hands of the Crown—and of course the noble Lord does not propose to place the nomination in other hands; but if a person comes forward with a gift of £60,000 or £70,000 for the creation of a new see, must he not exercise a great deal of influence, at any rate, in the first instance, in the nomination to that see? The case of colonial Bishops has often been appealed to: they are created at much less expense, and yet my experience as to the first appointment to colonial sees has been that, in almost every instance, the persons who were the movers in the creation of the bishoprics were the real patrons, in whatever hands the nominal patronage rested. That is one of the difficulties which prevent my giving so hearty a support to the Bill as I should have wished. I do not feel that the noble Lord has sufficiently grappled with the subject, and that there are other modes of meeting the evil before us. The House of Commons, in 1867, rejected the proposal that money should be taken from the common fund of the Ecclesiastical Commissioners for the creation of new sees, and perhaps they would again take the same view; but I do not think full consideration has been given to the question whether funds might not be found from cathedral revenues for the creation of a certain number of new sees. The noble Lord, however, has come forward in an honest and straightforward way, and proposed a plan, and as nobody else has proposed one, and as we are all agreed that an evil exists and should be remedied, I can offer no objection to the second reading of the Bill, though I should certainly desire Amendments to be made in it in Committee.

LORD PORTMAN moved that the Bill be read the second time that day three months. The subject was too important to be dealt with by a private Member of their Lordships' House—if an increase of the Episcopate be desirable it should be taken up either by the Bench of Bishops or the Government; but he thought by the latter, because they would be able to say where the funds should come from, and ensure the operation of the scheme. He objected to the establishment of subscription Bishops, on the ground that it would be injurious to the Church of England, believing, as he did, that endowment was the best mode of maintaining an Established Church. He objected to the scheme in the Bill, because these Bishops would, in turn, become Peers of Parliament, created by subscription, without the creation by the Sovereign. He objected, also, because these Bishops would infallibly be partizan Bishops, as, in these days of division in the Church, the subscriptions would be given for the purpose of obtaining a Bishop in unison with the special views of the subscribers. He could not consent to the establishment of two different classes of Bishops, and ask the House to agree to the creation of new Bishops to be paid an income of £2,500 per annum to be raised by subscription. He did not believe that any Bishop could perform the duties of his diocese and sit as a Peer in that House upon that income. In conclusion, he asked their Lordships not to affirm the propositions in the Bill of his noble Friend; and in order to afford them the opportunity of expressing that opinion he moved that the Bill be read a second time that day three months.

Amendment *moved,* to leave out ("now,") and insert ("this day three months.")—(*The Lord Portman.*)

THE EARL OF CARNARVON: I am surprised that the noble Lord (Lord Portman) should object so strongly to subscription Bishops, for there is not a single colonial bishopric which has not been endowed or supported by subscriptions, and, indeed, not a bishopric in the Christian Church which has not at some time or other been so supported. It was with deep regret I heard the most rev. Primate state that he could not give a hearty encouragement to this measure, for it must always be your Lordships' wish in ecclesiastical matters to be very much guided by him, both on his own account, and on account of the high position he holds. I must frankly confess, however, that I cannot quite agree with the arguments he used. The most rev. Primate deprecated an indefinite extension of the Episcopate. Now, my fear is that a measure, guarded with such restrictions and conditions hard to satisfy, must prove nugatory. The endowment, moreover, is to be a voluntary one; and it is quite clear that at the present day persons will think twice before subscribing very large sums for ecclesiastical or educational endowments. The sum required, too, is not less than £2,500 a year, in addition to which an episcopal residence has to be provided, and the Ecclesiastical Commissioners are empowered to provide for the appointment of a dean and chapter. All this expense is an obstacle to the success of the Bill; and any scheme is to be framed by the Ecclesiastical Commissioners, to be then submitted to Her Majesty in Council, and, lastly, to be subject to the veto of either House of Parliament. Whether the new Bishops should sit in this House by rotation or not is a point of detail on which my noble Friend said he would not insist, and as the Bill now contains no provision as to coadjutor Bishops, and as no question is raised of retiring pensions, the simple question is, whether Parliament will give the power of dividing overgrown and enormous dioceses, by voluntary endowments costing the nation nothing. England has been vastly increasing in population, in wealth, and in everything that taxes the resources and strength of the Episcopate, while Bishops have not increased in number absolutely, and relatively have greatly diminished. Look at the condition of the South of England at this moment, owing to the unfortunate circumstances of three, if not four, of its Bishops. The Church of England is suffering from an evil from which no other religious denomination in the country is required to suffer. Bishops are officers essential to her organization, yet you deny her that number which she affirms to be necessary; while, with the utmost inconsistency, the country insists upon the Bishops getting through their work. It is like asking them to make bricks without straw. You require them to do their work; yet refuse them the materials with which alone the work can be done. It is as if, in the large towns, you were to keep to the old parochial system, and insist on a single parish church as sufficient for the wants of the population. You have been enforced there to enlarge your machinery by means of the voluntary subscription—to which so much exception is taken—and the result has astonished everybody, and has advanced the interests of the Church in a wonderful degree. Even if Bishops were the mere ornamental fringes, so to speak, of the Establishment it might be a different matter; but if you look at the duties they have to perform—if you look upon them as confirming, as ordaining, as preaching in the Churches in their dioceses, as giving counsel to their clergy by word and letter on every conceivable subject on which their advice is required; if, further, you consider that they ought to know personally the clergy and principal laymen, and to give counsel to the laity on all points on which the laity naturally turn to them—if you consider all this, and yet limit them to the existing number, you are imposing on them an impracticable and impossible task. More than one opportunity of increasing the number of sees has been neglected. A chance of endowing a bishopric for Cornwall has gone by, and if this Bill is thrown out or shelved other such opportunities may be irretrievably lost; but I, for one, will not share the responsiblity of thwarting a measure which, though imperfect, and dealing only with part of the question, deals with a very vital and essential part of it, and from which, if passed, I anticipate most useful results.

The Archbishop of YORK: My Lords, if anyone entering the House this evening entertained a doubt as to the future of the Church of England the speech of the noble Lord (Lord Lyttelton) would have gone far to dispel such an impression. At the same time I am obliged to demur to some of the hopes which he held out before us so pleasantly. He looks forward to the creation of five of six bishoprics; but let us consider what probability there is that this Bill will do any useful service in supplying a great and pressing need. It will, I think, be admitted that something like £70,000 or £80,000 would be required to endow one of these sees, with the addition of a house of residence, and it is also contemplated that there should be the complete apparatus of a dean, canons, minor canons, and other more humble officials. I should not be extravagant if I suppose that nearly double the sum I have named would be required for the complete equipment of a diocese. I admit that all this machinery is not absolutely required, but it is within the compass of the Bill, and therefore within the hopes of the noble Lord. To equip a single diocese, and put it on the same footing as the others would require, then, about £150,000. Now, I do not think that the laity of the Church of England will be ready to come forward and subscribe any such amount for such an object. No doubt the laity of the Church of England have been extremely liberal—beyond what we could have expected or hoped; that is to say, they have given to the Ecclesiastical Commissioners, since 1854, an amount always increasing up to 1867, and ranging somewhat over £250,000 a year. But the barometer in Whitehall Place experienced in 1868, a sudden fall, which denoted the approach of stormy weather. The sum offered, in 1868, was less by £80,000 than that given in the year previous. Now, I do not share in the apprehensions which that fact represents, but nobody can doubt that this falling-off in the amount given is due to a want of confidence on the part of the public in the stability of endowments. I do not share that impression to the same extent; but the feeling of the public was fairly represented by that reduction in the amount of grants. During the most prosperous year, however, and during the time when the laity of the Church were most liberal towards the parishes, we heard little talk of any offers for the purpose of founding a bishopric. In the diocese of Lincoln, I believe, the late Bishop, who is now here among us, finding that the Bishop was enormously overcharged with work, took pains to ascertain the state of public feeling there, and he came to the conclusion that there was no disposition on the part of the laity to establish a second bishopric by voluntary subscription. My, Lords, I believe that the Bill before us, if passed, will be quite inoperative. Judging by the facts I have just mentioned, and by what I hear on all sides, I believe that no one will contribute these large sums for the purpose of founding a bishopric. Bear in mind that the large endowments of a bishopric would, in the case of any change, be likely to be the first affected by it. The humble parish might happen to be spared, but the large endowments of the bishopric certainly would not. Therefore, I believe, that the public will hold its hand, and, for the present at least, will do nothing. But if the Bill proves inoperative, it will be worse than inoperative. It has been admitted over and over again that there is a real need, and that in this country several dioceses, of which Lincoln is one, have grown beyond the compass of one man's labours; yet we are about to pass a measure, which, as I maintain, will do nothing at all, and which, however favourably you may view it, is not certain to do anything towards satisfying this need. While, therefore, it really does nothing, it will enable us to sit down, and say—"We have passed a measure; let us wait and see how it may happen to work." For this reason I am unable to regard the measure with much favour. It has been said by the noble Earl opposite (the Earl of Carnarvon) that the most rev. Prelate who spoke before me anticipated an indefinite increase of the Episcopate; but the most rev. Prelate said nothing of the kind. He said it would either lead to an indefinite increase of the Episcopate or to no increase at all; he argued upon both suppositions; and it must not be supposed that I differ from him when I say that, in my opinion, not one bishopric will be founded under the Bill. It has been said by the noble Earl who spoke last (the Earl of Carnarvon) that the state of the southern dioceses shows that this Bill ought to pass. Now, the state of the southern dioceses has been the subject of some comment—and I, for my part, wish to speak very tenderly, on the one hand, of those who have, in the course of nature, become too infirm to exercise that vigilance of eye and vigour of mind which once they displayed; and, on the other hand, of those who, struck down by disease in the prime of life, are compelled, for a time at least, to desist from their labours. I am not going into that question; but let me ask the noble Earl how it comes within the four corners of this Bill to relieve the southern dioceses?

THE EARL OF CARNARVON: The most rev. Prelate must allow me to say that I never used the argument which he now is putting into my mouth. In alluding to the overgrown state of certain dioceses I merely observed, in passing, upon the position of the southern dioceses, which, I said, was one of the causes which I deeply deplored.

THE ARCHBISHOP OF YORK: Well, I will treat that argument as though the noble Earl had not used it; but I say that, whoever uses it, the Bill would do nothing whatever to remedy the need which exists in the southern dioceses. If a Bishop breaks down and can no longer administer the affairs of his diocese, how is that state of things provided for by the Bill we are speaking of to-night? The question is, how are we to meet the difficulty arising from the want of additional Bishops? The need exists—a need not, perhaps, of ten Bishops, but of three, or it may be of more. Now, I submit that any Bill which professes to supply this want must do so by showing us a certain prospect of obtaining the necessary funds, from some quarter or the other. My own belief is that if you leave the present sees untouched within the Church of England, there is only one source from which the funds can come, and that is from the deans and chapters. Unless the laws that regulate cathedrals are much improved, it would be of no advantage to increase their numbers. If we were to have ten new Bishops, there would be a clear gain to the Church of England; but if we had ten new deans and chapters, the gain would be small, unless you had some means of enforcing residence. Upon this point Clause 4 in the Bill is very cautiously worded. It speaks of "residence, if any;" so that, whereas the canons must now reside three months, the noble Earl seems to contemplate as possible a state of things under which canons need not reside at all. Now, I should deplore that state of things. What is the theory of a dean and chapter? You may take the old theory, and say it arose from the gathering together of the clergy of the town by the Bishop, and his using them as his council in matters of difficulty and delicacy. But, how can we say that that purpose is at all served by the state of things we find now existing? The dean is there for several months in the year, but he is a distinct person with separate duties and powers. The canons are not there at all; and by your costly endowments of £6,000 or £7,000 a year you do not always secure that which you have in any parish church throughout the kingdom—the presence of at least two clergymen to celebrate public worship. By whatever theory you test the functions of deans and chapters, I think some means might be found to make their revenues more useful; and my own Convocation passed unanimously a resolution to the effect that it might be possible for one or more canonries to be used for the foundation of a suffragan Bishop, whose power should only last as long as the commission of the Bishop who first put him in motion and caused him to be consecrated. The only evil would be that you would have a few canons bearing episcopal orders, while their episcopal functions were at an end; but I should prefer some scheme of this kind, which afforded the prospect that something would be done, and in which we determined beforehand how the thing should be done, rather than trust to the caprice of promiscuous benevolence which might possibly spring up in Cornwall or in Devonshire, where it was wanted, but which, on the other hand, might not be displayed at all. I must, therefore, express my disapproval of the Bill, not because I am opposed to its object, but because I believe that that object will not be attained by such a measure.

THE DUKE OF SOMERSET: I am anxious to state very shortly the reasons which will induce me to vote against the Bill. In the first place, I do not approve of Bishops by subscription. I doubt whether the necessary funds will ever be raised; but supposing you make a Bishop, with £2,500 a year, who in his turn is to be a Peer of Parliament, you will then not only be making a Bishop by subscription, but a Peer of Parliament by subscription. Then, are these Bishops when made to be translatable or not? For many years it has been thought much better not to move Bishops from one see to another; but it would be somewhat hard if you had a Bishop in an inferior position, with £2,500 a year, to say that, if he were a distinguished man, he should never be appointed to a higher bishopric. There is another objection to the Bill, and I think it is a strong one. If you send down this Bill to "another place," I know quite well what they will say. "The House of Lords," they will say, "think that £2,500 a year is enough for a Bishop. Very well, then; there are plenty of revenues out of which to increase the Episcopate. Let us put together in a lump all that the Bishops have. We can immediately increase the Episcopate in an admirable manner by dividing the whole of these revenues into portions of £2,500 a year, and the House of Lords can offer no objection to such a plan because really it will be their own Bill." My Lords, I think this is a most inopportune time to go to the country for subscriptions for more Bishops. In the West of England, at all events, people would say—"There are ample revenues for Bishops all the way from Canterbury to Cornwall, and yet we have not a single efficient Bishop." Surely that was a state of things which must be looked to before the begging-box was sent round, and the country informed that the Episcopacy was in such a condition that funds must be raised for the purpose of creating new bishops. He objected to having the voluntary system applied to their case, and he was, therefore, not disposed to listen to the proposal embodied in the Bill.

EARL NELSON said, that, although he was not entirely in favour of the Bill as it stood, he was most anxious for the second reading of the Bill. The opinions which he and others with him entertained upon this subject had not frequently, if indeed they had ever, found full expression in that House. They did not ask for the increase of the Episcopate in order to add to the outward glory of the Church, but only in order to add to her efficiency; and they only came to Parliament because, as the Church was an Established Church, they were bound to do so—for he believed that but for this the matter could be more easily accomplished some other way. In order to show the importance of an increase in the Episcopate, he wished to refer to two great grievances affecting the Church and her work in England, which he considered would be materially diminished by such a measure. In the first place, it was now a cause of complaint, and a just cause, that the clergy were drifting away from episcopal control; and, forgetting the lessons which history clearly taught us of the utter futility of maintaining unity by compulsion, many of their Lordships were seeking to remove that evil by putting more stringent laws upon the clergy, and drawing tighter still the Act of Uniformity. Now, he was perfectly certain that the only real way to remove the evil was to increase the Episcopate, so that the Bishops might be able more thoroughly to enter into the work of their clergy, and to dispose of the difficult questions that frequently arose in parishes. As an illustration of what he meant, he might mention that a short time since he was staying with a clergyman who was a friend of the Bishop of the diocese, and had been appointed by him to his living. The clergyman consulted him (Earl Nelson) the first night of his stay, upon a very difficult question that had arisen from some occurrences in the parish. He naturally said, "Why do you not go to your Bishop?" But the reply was, "It is of no use; he has no time to come here and go through the case with me and sift the feelings of the people in the parish, and therefore, before I go to him, I must make up my mind what is best to be done—for what I advise he will tell me to do." Now that case seemed to show, to some extent, how if there were more Bishops they and the clergy might act more thoroughly as friends together, to the great benefit of the community under their charge. Another evil under which the Church of England laboured was the inefficiency of its work among the masses in our great towns, and he considered that every large town required a Bishop at its head in order to secure that the work should be done with completeness. He did not expect their Lordships generally to accept these views; but, feeling deeply upon the matter, he had thought it his duty to mention them to the House. If we were not an Episcopal Church, it would be a different thing; but Bishops were our only leaders, and you could not get the parochial clergy to work under each other, and thus make combined efforts against the infidelity that in great cities surrounded them. But there would be little chance of a real increase of the Episcopate until people realized that it was just as absurd for the Church to go to war against infidelity without Bishops as it would be for an army to be sent against the enemy with a deficiency of officers. He would not go into the details of the Bill, though he should be glad to do so in Committee; but as it was possible, from what had fallen from some Members of the Episcopal Bench, the Bill might not reach that stage, he might say that he objected very much to any extension of the rota system. He always, from the first, considered that this system was a great mistake, that it was unconstitutional; and, he believed, that if they waited until the see of Manchester should again have the junior Bishop, the country would not object to that see having a barony attached to it; and thus restoring the constitutional principle of baronies being attached to episcopal sees. He considered that there ought to be a very great increase of Bishops for the sake of carrying on the work of the Church, but he saw no reason why the new Bishops should not be as freely appointed to any of the other sees as the other priests of the Church.

THE BISHOP OF GLOUCESTER AND BRISTOL said, that although he could not, as the noble Earl had done, give a cordial consent to the Bill, no one felt more sincerely how much the Church was indebted to the noble Lord who had brought it forward for his constant and unwearied labours with a view to promote her efficiency. He objected to the measure on the ground that it was tentative, and even something worse. In answer to the noble Earl (Earl Nelson) he must add that he should be sorry their Lordships should come to the conclusion that there were many such cases as that which he had mentioned, or that the clergy experienced any difficulty in procuring a careful investigation of matters of importance in their parishes. Speaking in the name of the whole Episcopal Bench, he thought he might safely state that, if any clergyman in a parish brought under the notice of his Bishop a question which he deemed it necessary to be inquired into, the probability is that it would be personally investigated by the Bishop within a very short time. As to the allegation that the masses in our great towns were at present deprived of that spiritual superintendence which it was so desirable they should have, and that the efficiency of the Church would be much promoted if there were in each great town a Bishop who could bring his influence to bear upon the clergy, he could only say that the Bishop of the diocese in which their Lordships were assembled had been enabled to work it most successfully, notwithstanding its immense size. It might be said that in this instance the Bishop was resident in the city; but he could point to many other places, of large size, without a resident Bishop, in which, nevertheless, the Bishop of the diocese was able to co-operate effectually and successfully with clergy and laity in bringing spiritual influence to bear on the masses of the population. It was a source of much comfort to him to be in a position to state, by way of example, that in the City of Bristol the municipal authorities and others were cordially joining with their Bishop—though that Bishop was residing thirty or forty miles off—in the endeavour to do what lay in their power in that direction. He was of opinion that there were grave objections to the formation of bishoprics dependent upon subscriptions in an old country like our own, and felt convinced that a Bishop supported upon the voluntary system would not be called to this office upon the best principle. The voluntary system was wholly unsatisfactory, and in nothing would it break down more signally than in the case of subscriptions for new Bishops. Again, he had a strong objection to a party and sectarian spirit wherever he found it, and under this Bill we should not only have Bishops on voluntary principles, but also be in danger of having Bishops on party and sectarian principles. Men of extreme opinions would endeavour most earnestly to get a portion of a suspected diocese into other and, in their judgment, better hands. Each of the two great religious parties into which the Church—it might be for its good—was now divided would strive against each other, and the result would be that, through the agency of the Bill, sectarian Bishops would be created. Some of the more recently formed religious associations had vast sums of money at their disposal, and certainly would not lose a chance of endeavouring to procure the appointment of Prelates who would take their side in ecclesiastical matters; and it must be clear that, though the actual appointment would be in the Crown, these associations as being, perhaps, to a great extent, the actual finders of the money, would commonly carry their point. He was afraid he had spoken very openly and frankly, but he had deemed it right to set forth the reasons which prevented his giving a cordial support to the measure. He acknowledged that some of the dioceses in the South-west of England were crying out for help. The need was indeed extremely pressing, and he trusted their Lordships would turn their attention to it. He trusted, however, that the Church of England would be spared the infliction of either subscription, voluntary system, or party Bishops.

EARL STANHOPE: I do not care to carry any further the arguments which your Lordships have heard in support of the principles of the Bill—my object in rising is to make a personal appeal to the noble Lord (Lord Lyttelton) who has introduced the measure. I think it must have struck him and your Lordships, as this debate has proceeded, that there has been a very general wish that the object of increasing the Episcopate might, under certain limitations, be carried out; while, on the other hand, not a single speaker has, I believe, addressed the House who has not raised objections to some of the details of the Bill now under consideration. One of the strongest arguments which has been directed against the Bill went to show that it is most likely to be inoperative, and that if it operates at all it will not operate in the direction which the noble Lord desires. Under these circumstances, I think the noble Lord will not do justice to the principle of the Bill if he calls upon us to divide on the present occasion. If he does so he will, I think, mark many as objectors to the measure who, in fact, approve of the general principle he advocates, and will thus greatly damage the interests which he has at heart. It will be far better if he will consent to avoid that, apparent opposition and will yield to the strong objections which have been urged in the highest quarters to the particular details.

THE BISHOP OF LONDON: My Lords, I second the appeal which has just been made by the noble Earl; but, at the same time, I am unwilling that this debate should terminate without my having an opportunity of referring to the arguments brought forward by the noble Lord (Lord Lyttelton) in support of his Bill, which I am bound to admit is an earnest attempt to remedy an evil of which I myself have had considerable experience. I have been long connected with a diocese containing above 900 clergy, who are spread over a large extent of country which is indifferently supplied with means of intercommunication. I painfully felt that, in this diocese, it was impossible for the Bishop to hold a sufficient number of confirmations, or to keep up that acquaintance with his clergy by personal visits which is so desirable and necessary. In my present diocese, with its vast and rapidly increasing population, it is obvious that the duties of a Bishop have multiplied beyond the powers of any ordinary man. This being so, if I am asked why I cannot give a cordial assent to the Bill my answer is that it will not, in these cases, in my opinion, do any good whatever. With regard to the diocese of Lincoln, I have instituted private inquiries for the purpose of ascertaining what amount of funds was likely to be contributed by the laity for the foundation of a bishopric. The conclusion at which I have arrived is that hardly any funds would be raised for that purpose. In my present diocese the case is somewhat different. London is a very wealthy city, where money can be obtained for all objects considered of importance for the welfare of the Church, and it might be possible to raise funds for the endowment of another bishopric, if a second bishopric were thought desirable. But I believe none of your Lordships will say that it is desirable to have two Bishops for London. It would be contrary to all precedent to have more than one Bishop in one city, and the inconvenience would be obvious; it would be almost impossible to prevent complications arising which would impede the work of the Church in the metropolis rather than advance it if there were two Bishops, one on each side of Temple Bar, governing on different principles and having different powers and different incomes. At the same time I am grateful to the noble Lord for his attempt to relieve the great dioceses in England and their Bishops of the great evils under which they at present labour. It is true that if the diocese of Lincoln had been divided I should have had, on the whole, just as much work to do as before; but still the work would have been more concentrated and consequently more effective. Under the plan proposed by the Bill the new dioceses would be placed at a very considerable disadvantage. I do not think, however, that the Bishops themselves with smaller incomes will be worse off than those whose incomes are larger, because, in fact, our incomes are given to us in trust. We enjoy them really and truly not so much for our own advantage as for the benefit of the diocese and of the clergy; and a Bishop is entrusted with large means in order that he may be able to contribute liberally to all schemes for the advancement of the Church in his diocese. Therefore, if you take from him half his income, and relieve him at the same time of half his liabilities, he is no loser, although the diocese may be. Under this Bill there will be not only two classes of Bishops, but likewise two classes of dioceses; and is it to be supposed that the inhabitants of the new dioceses would be satisfied with that state of things? In the new dioceses there will arise another disadvantage, as has been pointed out by the noble Duke who spoke from the Benches below (the Duke of Somerset). For, it is obvious that if you have two classes of Bishops you cannot object to translations. The noble Lord, I perceive, shakes his head; but surely, if a man has done his duty carefully and conscientiously, and, if, moreover, he is a man of superior ability, you cannot say to him that, because he is placed in a bishopric of small income and lower position, he is to give up all hope of being raised to a higher and more desirable see. Consequently, if one of the less richly-endowed dioceses has the misfortune to possess a Bishop who is not a man of ability, he will remain in that see; whereas, if the Bishop is a man of great ability, he will be removed, and the diocese exposed to the inconvenience of frequent changes. These are a few of my objections to the Bill, which, although not without some good points, is not calculated to effect the object at which it aimed, while, in all probability, it would produce considerable inconvenience.

THE LORD CHANCELLOR: The noble Baron who moved the Amendment (Lord Portman) stated that a measure of this description ought to be brought in either by the right rev. Bench or by Her Majesty's Government. As regards this particular measure, Her Majesty's Government have had no opportunity of exercising any judgment on the matter, for they have not received, either from the noble Baron who introduced the Bill, or from those who are desirous of promoting it, any communication on the subject. The noble Baron who has brought forward the Bill will, I am sure, understand me to speak with the most perfect sincerity when I say that no one has more entirely at heart the object which he seems to have in view in introducing this measure than myself. No one can doubt the evil which exists; and if any of your Lordships were to walk to the other side of Westminster Bridge, and then reflect that you are in the diocese of the same Bishop who presides over Jersey and Guernsey, you would then, I think, feel, no doubt, that the diocese was of too extended an area. But what I would impress on my noble Friend is this—Finding that this Bill, brought forward with an object which he and I have in common, has so far failed to meet with the concurrence of the House in the mode by which that object is proposed to be attained—and I am far from saying that I concur myself in that mode—finding more especially that he has received from the right rev. Bench so little encouragement—or might I not rather say he has received discouragement from them?—I would ask him to consider whether, by persevering with this Bill, he may not rather tend to defeat the object that we have in common than to promote it? I would therefore entreat him to adopt the course which has been suggested to him, and not to proceed further with the measure.

LORD LYTTELTON, in reply, declined to withdraw the Bill.

LORD CAIRNS: I was under the impression, when the noble Lord rose to reply, that he would yield to the appeal addressed to him from both sides of the House. I regret that he has not done so, because there is always a danger that a vote taken on an issue of this kind may have a tendency to mislead, and to put those who are in favour of an object so excellent as that sought by this Bill in a false position; because, by voting against this Bill, they may be supposed to be voting against the principle of an extension of the Episcopate. My objections to this Bill may be stated in a very few words. I own that I do not at all concur in the observation which has been made that this is a proposal to establish Bishops on the voluntary principle. My first objection is that the measure will be entirely inoperative. The amount of money required to constitute an endowment is so great—more especially remembering the circumstances of the time in which we live—that it would be quite impossible to obtain the requisite funds. My second objection is that I believe the Bishops appointed under a measure of this kind would at once assume a different rank and position from the other members of the right rev. Bench, and the circumstance that there would be two different classes of Bishops so treated and looked upon would be in the highest degree injurious to the interests of the Church. And, thirdly, I think that any measure, having so excellent an object in view, should be of a more general character. I cannot support the second reading of the Bill; but I wish, in the vote I am about to give, not to be supposed to be opposing that for which I am as anxious as the noble Lord—an increase of the Episcopate under proper conditions.

EARL GRANVILLE wished to make a practical suggestion to the noble Lord (Lord Lyttelton). After the declaration which had been made on both sides of the House, and with the feeling that the noble Lord must have, that, although he might be supported by some Peers, he would be defeated by a large majority, would it not be much better that he should put himself in communication with the Episcopal Bench, and possibly also with the Government, before proceeding farther with his measure?

On Question, That ("now") stand part of the Motion? Their Lordships *divided:* — Contents 20; Not-Contents 43: Majority 23.

Resolved in the *Negative.*

CONTENTS.

Hatherley, L. (*L. Chancellor.*)

Bath, M.
Salisbury, M.

Brownlow, E.
Carnarvon, E.
Dartmouth, E.
Nelson, E. [*Teller.*]
Romney, E.
Verulam, E.

London, Bp.

Oxford, Bp.

Churston, L.
Colchester, L.
Delamere, L.
Hartismere, L. (*L. Henniker.*)
Heytesbury, L.
Lyttelton, L. [*Teller.*]
Monck, L. (*V. Monck.*)
Redesdale, L.
Saltersford, L. (*E. Courtown.*)

NOT-CONTENTS.

Richmond, D.
Somerset, D. [*Teller.*]

Exeter, M.
Lansdowne, M.
Normanby, M.

Airlie, E.
Cadogan, E.
Camperdown, E.
De La Warr, E.
Ducie, E.
Effingham, E.
Eldon, E.
Grey, E.
Lauderdale, E.
Morley, E.
Shaftesbury, E.
Stanhope, E.
Zetland, E.

Gough, V.
Hawarden, V.
Sidmouth, V.
Sydney, V.

Belper, L.
Boyle, L. (*E. Cork and Orrery.*)
Calthorpe, L.
Chelmsford, L.
Digby, L.
Foley, L.
Hay, L. (*E. Kinnoul.*)
Houghton, L.
Hylton, L.
Kesteven, L.
Lawrence, L.
Lyveden, L.
Monson, L.
Overstone, L.
Ponsonby, L. (*E. Bessborough.*)
Portman, L. [*Teller.*]
Romilly, L.
Sefton, L. (*E. Sefton.*)
Somerhill, L. (*M. Clanricarde.*)
Suffield, L.
Westbury, L.

ECCLESIASTICAL COURTS BILL AND CLERGY DISCIPLINE AND ECCLESIASTICAL COURTS BILL.

SELECT COMMITTEE NOMINATION.

Order of the Day for the naming of the Select Committee on these Bills.

THE DUKE OF SOMERSET took exception to the Select Committee consisting of so large a number as twenty-three. Great inconvenience would be felt by taking the noble and learned Lord on the Woolsack and four other noble and learned Lords from the Court of Appeal in order to serve on this Committee. Anyone who had served on a Committee would know that if they were to have so large a number of Members it would be almost impossible to carry on the business of the Committee. Let their Lordships only imagine how it would be with twenty-three Members—who, as he understood, had been selected because, on this subject, they held twenty-three different opinions, or nearly so — if they were sent upstairs to try to come to some agreement. It was said that there were seventy-eight clauses in the two Bills which were the same; but, in spite of that identity of clauses, it was quite certain there was enough of disputed matter in the Bills to last the Committee to the end of the Session. Now, he would really appeal to their Lordships, whether it would not be giving a fair opportunity for the display of that difference of opinion which the noble Marquess on the other side (the Marquess of Salisbury) said, is so much to be desired, if they were to send the Bills to a Committee consisting of fifteen members. He begged to propose that the Committee be reduced to the number of fifteen.

THE MARQUESS OF BATH said, that if the noble Duke would look at the list he would find that out of twenty-three Members six were right rev. Prelates, five were noble and learned Lords, and therefore there were only twelve ordinary lay Lords. The noble Duke would admit that on a Committee of this kind there ought to be a full number of right rev. Prelates; and it was also necessary to have noble and learned Lords on it, because the Committee would require their guidance on legal matters. It was so difficult, on account of their other engagements, to procure the attendance of every noble and learned Lord, that the Committee might have to depend on the advice and assistance of some one or other of them. If the noble Duke objected to the numbers, he ought to name those who were to be struck out.

LORD WESTBURY said, that if they took five Law Lords for this Committee, the Court of Appeal would have to be shut up during the time of its sitting. In his opinion, two Law Lords would be quite sufficient for the purposes of the Committee. He had sat on several Committees in that House, and he had never seen one in which the business was very well done, on which there were more than eleven Members. If they limited the number to eleven or twelve, they would have a Committee quite large enough to represent the House, as well as quite large enough for all purposes of concentration and information.

Earl GRANVILLE felt bound to say that he thought the business would be better done in a small Committee—more especially as a great deal turned on the wording of the clauses; it would only cause confusion to have a large body like twenty-three. At the same time, he did not agree with his noble and learned Friend (Lord Westbury), that he had never seen business very well done in a Committee larger than eleven. He thought twenty-three was a very unusual number; but having looked at the list proposed, he would acknowledge that the names chosen were those of persons who took a great interest in the subject.

The Archbishop of CANTERBURY said, that, in selecting the Committee, it had been thought advisable to place a certain number of Prelates and a certain number of learned Lords upon it; and to these had been added a number of lay Peers. If, however, it was the opinion of their Lordships that the Committee would be better if it consisted of only fifteen instead of twenty-three, he should not object to the lesser number being agreed to.

The Earl of SHAFTESBURY said, he was wholly indifferent as to whether the Committee consisted of fifteen or twenty-three Peers.

Lord REDESDALE was anxious to know who was to nominate the fifteen Members?

The Question "That the Committee do consist of fifteen Members" was then put, and *agreed to.*

Naming of the Select Committee *put off* to *Monday* next.

And, on April 26, the Lords following were named of the Committee:—

L. Abp. Canterbury.
L. Abp. York.
L. President.
M. Salisbury.
E. Shaftesbury.
E. Portsmouth.
E. Carnarvon.
E. Beauchamp.
V. Halifax.
L. Bp. Oxford.
L. Bp. Ripon.
L. Bp. Gloucester and Bristol.
L. Portman.
L. Westbury.
L. Cairns.

DUBLIN CITY ELECTION.

Message from the Commons that they have agreed to an Address to be presented to Her Majesty, to which they desire the concurrence of their Lordships.

House adjourned at half past Seven o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 22nd April, 1869.

MINUTES.]—Ways and Means—*Resolutions* [April 21] *reported* — Consolidated Fund (£17,100,000).

Public Bills—*Resolution in Committee*—Courts of Justice [Salaries and Funds].

Ordered—Consolidated Fund (£17,100,000).

Odered— First Reading—Railway Construction Facilities Act (1864) Amendment* [94].

First Reading—Merchant Shipping (Colonial)* [91]; Colonial Prisoners Removal* [92]; Copyright (Periodicals)* [93].

Second Reading—Poor Law (Scotland) Act (1845) Amendment* [80]; Endowed Hospitals, &c. (Scotland)* [79]; Local Government Supplemental* [90].

Select Committee—Married Women's Property, [20], *nominated.*

Committee—Irish Church [27]—R.P.

Committee — Report — Newspapers, &c. [66]; Militia [82].

Considered as amended—Court of Common Pleas (County Palatine of Lancaster)* [26].

NAVY—USE OF NORTH COUNTRY COAL. QUESTION.

Mr. HUSSEY VIVIAN said, he would beg to ask the First Lord of the Admiralty, Whether it is a fact that a decision has recently been come to by the Admiralty with reference to the use of North Country Coal on board Her Majesty's ships; and, if so, whether he has any objection to state what that decision is?

Mr. CHILDERS: Sir, in 1867, in consequence of a Report from the West Coast of Africa, in which the capture of a slaver was attributed to the smokeless character of the coal used, an order was given recommending the disuse, for the time, of bituminous coal in all sea-going ships. After careful consideration, it has been determined to modify this order; and directions have been given to use mixed coal, consisting of two-thirds Welsh and one-third North Country coal, in Her Majesty's ships, except on the China and African stations. Orders have been given as to modifications in the furnace doors and fire-grates which will be necessary for the use of mixed coal.

POOR LAW—METROPOLITAN LUNATIC ASYLUMS.—QUESTION.

Mr. M'CULLAGH TORRENS said, he wished to ask the President of the Poor Law Board, Whether his attention has been called to the statement reported to have been made by the Chairman of the Metropolis Asylums Board, when laying the foundation stone of the Caterham Asylum on the 17th instant, regarding the intention of Government to sanction the expenditure of £490,000 on five new buildings under the Act of 1867; and, whether the cost of the entertainment provided for 200 guests on that occasion is to be paid for out of the Metropolitan Rate, or out of Civil Contingencies, or how otherwise?

Mr. GOSCHEN: Sir, I am quite ready to answer the Question of my hon. Friend. He asks me whether my attention has been drawn to the entertainment at Caterham. My notice was called to it, probably by the same means by which his attention was drawn to it—through the newspapers; and I readily admit that the same thought passed through my mind, when I read the proceedings, that appears to have passed through his mind—namely, who was to pay for that entertainment? Now, with regard to the Question which stands on the Notice Paper—whether it will be paid for from the metropolitan rates, or, as he facetiously adds, from the Civil Contingencies, the state of the case is precisely this—that if such a charge were made and entered, and paid for by the Metropolitan Asylums Board, the Auditor would probably disallow the whole of that expenditure. I cannot say absolutely he would do so; for this reason, there lies an appeal to the Poor Law Board from the decision of the Auditor, and it is not for the Poor Law Board to lay down, in advance, the course which any Auditor may take in disallowing expenditure; but I am free to admit that where any charges connected with such entertainments have been made, the Auditor usually and universally disallowed the expenditure. How this particular entertainment is to be paid for I do not know. I am told it is to be paid for by the contractor who is building the works. He had authorized a certain expenditure, and the committee who conducted the entertainment will pay any deficiency out of their own funds. I have heard that unofficially. I only know that the expense will not come out of the metropolitan rates. With regard to the question of the estimated outlay for the lunatic asylums and fever hospitals, I do not understand that the statement was made that the Government intended to sanction the sum of £490,000, but simply that this was the estimate of the Metropolitan Hospital Board. I may state, however, that of this £490,000, £270,000 were sanctioned as far back as June last for the two lunatic asylums at Caterham and Leytonstone. The remainder would, therefore, be the estimate for the three fever hospitals. But the Poor Law Board has not yet sanctioned the expenditure; and, as on my suggestion, the Metropolitan Asylums Board has consented to limit itself to the erection of two hospitals intead of three, the estimate may be reduced by about £60,000. I may add that every item of expenditure will be rigidly scrutinized before it is sanctioned by the Poor Law Board.

RANGOON AND WESTERN CHINA.

QUESTION.

Colonel GRAY said, he wished to ask the Under Secretary of State for India, If any, and, if any, what steps are being taken by Her Majesty's Government to promote the communication between Rangoon and Western China through a portion of the Shan States; and if the survey of that route is being proceeded with?

Mr. GRANT DUFF, in reply, said, that nothing further had been done to promote communication between Rangoon and Western China through the Shan States since the survey was stopped near the boundary of our own territory in 1867, after 245 miles had been traversed. A considerable distance remained to be surveyed, and he hoped the Government of India might see its way to completing the unfinished work. If it did they should be glad; but at the same time the Secretary of State for India would not dream of pressing the continuation of the survey, if the Government of India was deliberately of opinion that, by continuing that survey, it might run the risk of being involved in alarming political complications or of incurring any very great expense. He considered the whole question of communication between India and Western China—of which this project of a road through the Shan States was merely a fragment, and not a very large fragment—to be one of the very greatest interest, though it would be of greater practical importance to the next generation than to ours; but interesting as it was, and important as it might become, we should not forget that in the Indo-Chinese peninsula, as in Abyssinia, we might buy gold too dear. Some Papers which would shortly be laid on the table would more fully explain the present position of this question.

IRISH CHURCH BILL.—QUESTION.

SIR FREDERICK W. HEYGATE said, he would beg to ask the First Lord of the Treasury, Whether he would object to introduce into the Irish Church Bill a Clause enabling limited owners of of land in Ireland to borrow and the Commissioners for Public Works to lend sums not exceeding a fixed percentage of the value of such land, re-payable upon the principle of loans for drainage, farm buildings, and labourers' houses, for the purpose of assisting in the erection of churches, chapels, and places of worship; and when the promised Clause will be introduced into the Bill to enable the Commissioners for the Reduction of the National Debt to lend and the Temporality Commissioners to borrow the sums required for the purpose of the Act?

MR. GLADSTONE: With regard, Sir, to the first Question of the hon. Baronet my answer would be this—I do not think that the Irish Church Bill would be the most convenient position for a clause of such a nature. It is the intention of the Government to introduce a Bill having reference to the subject in general of giving facilities for borrowing and obtaining sites with a view to objects such as the hon. Baronet contemplates, and that Bill, evidently would be the place for inserting any particular provisions of the nature to which the Question of the hon. Baronet refers. In a very short time, in fact, as soon as we are clear of the Committee on the Irish Church Bill, my right hon. Friend the Chief Secretary for Ireland will be prepared to make known to the House the precise provisions of the Bill to which I refer, and the hon. Baronet will probably think we had better, perhaps, postpone the subject till then. With regard to the clause relating to borrowing, the Question is a most seasonable one, and my best answer will be that I hold in my hand a Notice of a preliminary Committee to consider the propriety of authorizing the Commissioners for the Reduction of the National Debt to advance, with the consent of the Treasury, to the Church Commissioners of Ireland, to be appointed under the Irish Church Act, such monies as may be required for the purposes of the Act, and to take as securities any portion of the property of the Commissioners that may be convenient for that purpose. I give Notice that to-morrow I will move a Resolution in Committee to give effect to that purpose.

REMISSION OF CAPITAL SENTENCES—CASE OF CHARLES WILTSHIRE.

QUESTION.

SIR GEORGE JENKINSON said, he would beg to ask the Secretary of State for the Home Department, Whether it is true that a man named Charles Wiltshire, sentenced to be hung at Gloucester, has been reprieved by his order; if so, whether he is the same man who was convicted at the last Assizes at Gloucester, in the present month, of violating and murdering a woman, and who, since his conviction and sentence, has attempted to murder the warder in charge of him in Gloucester Gaol; if he is the same man, will he state the grounds on which he has recommended the reprieve of this man; and, will he state the number and names of those convicts who, having been sentenced to be hung for murder, have been reprieved by him since he came into Office, and the dates of such reprieves; and the names and number, if any, of those who have been hung in accordance with the sentence passed upon them since he came into Office?

MR. BRUCE: Sir, I think I should carry with me the judgment of the House if I were to decline to answer the Question of the hon. Baronet on the ground that, in a matter involving necessarily some considerable explanation, the first portion of this Question should rather be brought forward on going into Committee of Supply, and the last matter is one as to which information can be obtained at the Home Office. But I am quite as ready to give the information as the hon. Baronet can be to ask for it; and, if the House will kindly give me their indulgence for a few minutes, I will endeavour to satisfy them that, during the short time I have been at the Home

Office I have not exercised the prerogative of mercy entrusted to me unworthily. I will, with the permission of the House, invert the order of the hon. Baronet's Questions, and I will state at once the number of persons who have been sentenced to capital punishment during the time that I have held Office, and what has been their fate. Excluding cases of child murder, which, for the last twenty or thirty years, have never been visited with capital punishment, the number of capital sentences, passed since the 10th of December last, has been eleven. Four of these sentences were passed during the winter Assizes of 1868. The first prisoners I had to deal with were Robert Sweet and William Bisgrove. Both of these men were found guilty of murder, and both were sentenced to death, after, no doubt, a full and fair trial on the part of the Judge and jury. I reprieved both of these sentences, and ended by granting a free pardon to Sweet, and commuting the sentence of Bisgrove to one of penal servitude for life. That decision of mine has been called a great miscarriage of justice. I will leave the House to judge to what extent it was so. It is beyond all question that Robert Sweet was an innocent man. It is equally beyond all question that the other man, Bisgrove, was insane. Three separate Reports all establish his insanity. The next two cases were those of Priscilla Biggadike, who was condemned for murdering her husband by poisoning him, and who was executed; and of Martin Brown, who was convicted of murdering a man, with the intention of plundering him, by shooting him, and upon whom also the sentence of death was carried out. In the Lent Assizes there have been seven capital convictions, excluding cases of child murder. In the first case, that of John Dolan, the sentence was executed. In the second case, that of John M'Cormack, convicted for shooting a man, the sentence was executed. In the third case, that of Michael Atkins, convicted of the murder of his wife, the sentence has been respited. The evidence, confirmed by the opinion of the Judge, satisfied me that the man was wrongfully convicted. The Judge stated that the verdict took him by surprise, and that he was satisfied that the death of the woman was caused by accident. The next case was that of Michael James Johnson, who was sentenced to death for murdering a man, by stabbing him, at Manchester. That sentence was executed. The next case was that of William Sheward, who has recently been executed at Norwich for the murder of his wife. The last cases were those of James Macdonald at Chester, whose sentence has been respited; and Charles Wiltshire, whose case is the subject of this inquiry. It will be seen, therefore, that of these eleven prisoners, six have suffered the capital sentence; two, I believe, to have been entirely innocent; one is undoubtedly insane, and there remain the other two—Macdonald and Wiltshire. The prisoner Macdonald has been respited on the recommendation of the Judge, who has authorized me to state that, in his opinion, the case was not one in which the capital punishment ought to be enforced—a recommendation which I may say is never disregarded. The case of Wiltshire was a more difficult one. This man being drunk violated a drunken woman. She had been, according to the evidence, drinking at a public-house; had left about ten in the evening; had fallen down repeatedly when helped on her way homewards; and at last had fallen down in a lane and remained in a state of insensibility. There, about one o'clock on a very tempestuous night, she was seen by this man Wiltshire, and violated. Next morning, about eight o'clock, she was found about eighty yards off, under a hay rick to which she had been conveyed, quite dead. The inquiry before the jury was what was the cause of death. It was beyond all question that the woman had been violated by this man Wiltshire. But it was the opinion of the Judge, and it was the opinion of the jury, that the death of this woman was caused rather by her own intemperance, and by exposure to the weather, than by the violence of the prisoner. The evidence of the surgeon, who was the first person who examined her, and which was endorsed by the next gentleman also who examined her, was this—

> "I conducted the *post mortem* examination with a view to discover the exact cause of death. I used all the means my skill afforded, and, considering all I saw, I found nothing inconsistent with death from natural causes—I mean from wet and cold."

I have received from ten of the jury the following statement of their opinion in regard to the cause of death. They state—

> "That the deceased was proved to have been totally incapable by reason of intoxication, and had been lying about in the rain and mud for many hours before the condemned met with her; and we believe that the death of the said Harriet Nurse was accelerated by cold and exposure as well as by the violence of the prisoner; that up to the time of the condemned meeting with Harriet Nurse there could be no intention on his part to molest her, or do her any injury, and we hope the clemency of the Crown will be extended to the condemned, as we believe the case is one in which mercy may with propriety be exercised."

That is the opinion of the jury. The opinion of the Judge was communicated to me on another memorial being sent to me, which memorial stated that, in the opinion of the memorialists, there was no intention on the part of the prisoner to take life, and that the woman's death arose as much from natural causes as from any violence. The Judge, in his communication to me, said—

> "I entirely agree with the memorial, that the evidence shows no intention on the part of the prisoner to take life; and I also think it probable that she would not have died from that violence, if she had not been intoxicated. I shall be glad if you find in these circumstances a reason for granting the prayer of the petition, and commuting the sentence of death to penal servitude."

It is well that the House and the country should understand how in these cases, which so often offend the honest opinion of the public, there is apparent discrepancy between the opinion of the Judge and jury on the one hand, and that of the Home Secretary on the other. It arises from this—that the jury is obliged to find from the direction of the Judge, a verdict of wilful murder; and that the Judge is constantly required to pass a sentence of death, when it is quite certain it will not, cannot, ought not, to be executed. Take the cases of child murder. It is perfectly notorious that no woman is ever executed for the murder of her infant child. In many other cases, no sooner has the Judge passed his sentence than he immediately communicates with the Home Secretary, telling him his opinion that the capital sentence ought not to be carried out. Such is the state of the law, and so long as it is the state of the law it is absolutely impossible but that the decision of the Secretary of State must occasionally be in disaccord with the finding of the jury and the sentence of the Judge. I thank the House for their kindness in hearing me. I felt that, under the circumstances, I could not give a satisfactory explanation without exceeding the brevity ordinarily assigned to answers to Questions. I hope it will be the opinion of the House that, in exercising the high trust reposed in me, I have done so with discretion, and under a full sense of the great responsibility I incur, and that the reasons I have given are satisfactory to the House and to the country.

ROMAN CATHOLIC CHARITIES.

QUESTION.

Mr. NEWDEGATE said, he would beg to ask the Secretary of State for the Home Department, Whether the Government consent to the production of the information which will be required by the Return with respect to Roman Catholic Charities, Notice for which stands on the Orders for this day?

Mr. BRUCE said, in reply, that he was sorry to say that it would be his duty to oppose the Motion of his hon. Friend that evening. He was informed by the Deputy Keeper of the Rolls at the Record Office that it would be impossible to prepare the Returns for which his hon. Friend asked in less than a twelvemonth, and then only by employing upon the task the services of officers who were required in another department.

ARMY—COLONELS' PAY.

QUESTION.

Mr. H. R. BRAND said, he would beg to ask the Secretary of State for War, Whether, seeing that Colonels commanding Regiments in the Regular Army no longer receive an allowance for clothing estimated upon the number of men in their Regiments, there is any reason why the Colonels commanding (King's) Dragoon Guards and 1st Royals respectively should continue in the receipt of a higher rate of pay than the Colonels of other Regiments of the Line?

Mr. CARDWELL said, in reply, that the reduction suggested by the hon. Member had been determined upon in the month of August last year, and when the colonelcy of the 1st Royals became vacant, the appointment was made at a reduced rate.

CATTLE PLAGUE—DISEASED FOREIGN SHEEP.—QUESTION.

LORD ROBERT MONTAGU said, he rose to put a Question to the right hon. Gentleman the Vice President of the Council, of which he had not given him notice, and if the right hon. Gentleman wished it he would postpone it till to-morrow. He wished to know if it were true that a cargo of 1,800 sheep had arrived in London from Antwerp, of which several were found when landed to be infected with sheep-pox; and also whether another cargo of between 500 and 600 sheep, also from Antwerp, had been landed at Harwich, a portion of which were also found to be infected; and, if so, what steps had been taken to prevent the spread of the infection?

MR. W. E. FORSTER said, in reply, that, for the information of the noble Lord, and for the satisfaction of the House, he would answer the Question at once. It was true he yesterday received information that two cargoes of sheep had arrived, one at London, and another at Harwich, in both of which it was stated that one or two sheep were suffering from sheep-pox. Steps were immediately taken to ascertain the truth of the statement, and officers of the Customs and of the Department with which he was connected were sent to examine. With respect to Harwich, he held in his hand a Report from Professor Simons, in which it was stated that a cargo had been landed there consisting of 351 sheep, of which three were discovered to be suffering from sheep-pox. The fact was discovered not only before the sheep had left the wharf, but before they could possibly have been placed in communication with other sheep. Steps were immediately taken for the slaughter of the whole cargo, and orders were given that no more sheep should be landed at that wharf till it had been thoroughly disinfected. A telegraphic message had been sent down to Harwich to carry these orders into effect. With regard to the cargo which was brought to London the same steps had been taken. The cargo there consisted of about 1,800 sheep, twenty-two of them were suspected to be infected with the sheep-pox, and one or two of them were found to be thoroughly infected. Steps were immediately taken that the whole cargo should be slaughtered, and in this case also the order was carried into effect before it was possible that they could come in contact with other sheep. The House ought to be informed that every step had been taken in this case which would have been taken if the late Orders in Council had been still in force. Owing to the vigilance of the officers of Customs, and of the other departments, everything was done that could have been done if these Orders had been still in force — that was to say that all diseased sheep, and all the sheep that had been in communication with them, were destroyed, and orders were given that the wharves where they were landed should not be used again till they were thoroughly disinfected. He might explain to the House, as it might appear alarming that two cargoes landed at different ports were both infected, that there was reason to believe that these cargoes were sent by the same person on the Continent, and were consigned to the same parties here, and that they had been separated in the hope of their being more easily landed — a device that was quickly discovered by the authorities.

LORD ROBERT MONTAGU said, he wished to ask if the Privy Council had determined to issue any fresh general orders with regard to sheep that were imported from districts abroad that were reported to be infected?

MR. W. E. FORSTER said, the matter had been under the consideration of the Privy Council, but the facts did not appear to warrant any change; nothing had happened which tended to show that the regulations now in force were insufficient.

IRISH CHURCH BILL—[BILL 27.]

(*Mr. Dodson, Mr. Gladstone, Mr. John Bright, Mr. Chichester Fortescue, Mr. Attorney General for Ireland.*)

COMMITTEE. [*Progress 19th April.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 14 (Compensation to ecclesiastical persons other than curates).

SIR GEORGE JENKINSON said, as the clause now stood it would work great injustice upon those incumbents who from ill-health, age, or other good reason, might desire to exchange their livings. In order to remedy this defect he proposed the following Amendment in page 5, line 23—

"After 'or preferment' insert 'or other equivalent duty to which he shall have been duly appointed in respect of the Protestant Church in Ireland.'"

Sir ROUNDELL PALMER said, he had on the Paper an Amendment embracing all that the hon. Baronet asked for, but going to some extent further than the hon. Baronet proposed. He would suggest, therefore, by way of saving time, that the hon. Baronet should permit him to move his Amendment. He need not trouble the Committee with many reasons for his Amendment, because its principle had been recognized by the right hon. Gentleman at the head of the Government, who said that it was not his intention to tie down those who were entitled to compensation to the same local duties in which they were now occupied. It was evident that the Church in her new position would require to make great changes in the distribution of her powers, and, therefore, it was but fair that every facility should be afforded her for doing so. Amendment moved in line 23—

"After 'preferment,' insert 'or any other spiritual duties in Ireland which may be substituted for them, with his own consent, and with the consent of the representative body of the said Church hereinafter mentioned, or, if not discharging such duties, shall be disabled from so doing by age, sickness, or permanent infirmity, or by any cause other than his own wilful default."—(*Sir Roundell Palmer.*)

He trusted that the Government would agree to the Amendment.

The ATTORNEY GENERAL for IRELAND (Mr. Sullivan) said, that the Government were of opinion that the words of the hon. and learned Gentleman's Amendment might be safely adopted. The words of the clause made the income of the Archbishop, Bishop, or incumbent dependent upon the discharge of his duties; and the Government agreed with the hon. and learned Member that that income should not be forfeited in the event of an exchange of livings, or of the recipient being disabled from discharging his duties through no fault of his own. The Government had carefully considered the Amendment, and it appeared to them that it might safely be adopted.

Sir GEORGE JENKINSON would with pleasure withdraw his Amendment in favour of the one proposed by the hon. and learned Member for Richmond, which was to the same effect as the one he had himself proposed, only that it went even further, therefore the object he had in view—namely, the fair protection of the Irish clergy was equally attained.

Amendment (*Sir Roundell Palmer*) *agreed to.*

Sir GEORGE JENKINSON said, the next Amendment that stood upon the Paper was also in his name, and he trusted the right hon. Gentleman at the head of the Government would accept it, or, at all events, words intended to have the same effect, as it rested on much the same grounds as the last. He asked the right hon. Gentleman to place himself in the position of the unfortunate persons who were to be deprived of their means by this Bill, and to say whether, in the event of an incumbent dying within six months of the time of the passing of this Bill, it was just that the parish of which he had spiritual charge should be left without any minister to perform the services of the Church? The only permanent endowment under this Bill would be given to the Roman Catholic College of Maynooth, every other compensation given under it being only for life. In the case of Maynooth the compensation was made in a lump sum, which, if invested, would give a very considerable permanent income. Under these circumstances he begged to move the following Amendment in page 5, line 24—

"After 'as aforesaid' insert 'and at the death of such incumbent or other avoidance of such benefice or preferment, his successor, if any such be duly appointed, shall be paid a similar annual payment from the same source, and by the same authorities, and such annual payment shall continue to be so paid to any duly appointed successor so long as the duties of such benefice or preferment are properly and adequately performed.'"

Nobody could gainsay the justice of these words, because they merely proposed to provide for the parish that which had been hitherto provided for partly by the generosity of the landowners and partly by the tithe-rentcharge. The House had heard from the Prime Minister that the sooner the Irish Church was remitted to the liberality of its members the better. To a certain extent he admitted that proposition, although there might be two views even with regard to that. This measure proposed to take away a great proportion of the funds that had belonged to that Church for 300 years, and even to take away private endowments. Having thus shorn the Church, it was proposed to turn her out naked to gain fresh wool—in time, probably, to be shorn again. He objected to that sheep-shearing process, and he hoped the Prime Minister would agree to his Amendment.

MR. GLADSTONE said, he must commence by assuring the hon. Baronet that, as far as the Government were concerned, there was not the slightest intention to grant any permanent endowment to Maynooth. If the hon. Baronet objected to the form of the clause making compensation to that College, he might propose to amend it when that clause came on for discussion. The principle of this Bill was to take away all permanent endowments, without inquiring what crumbs and fragments the parties receiving compensation might save out of the wreck in order to establish a permanent fund for their support. In looking at the Amendment proposed by the hon. Baronet, he could scarcely suppose that it could have been put forward seriously. It was possibly susceptible of two constructions — the first and mildest construction being that, upon the vested interest with which the Committee had now to deal should be put another generation of vested interests; and the second being that, having already passed the general clauses of the Bill disendowing the Church of Ireland, the Committee should now insert words into this clause which would perpetuate endowments at the present rate in every parish in Ireland. He need scarcely say that the Government could not assent to such a proposition.

Amendment *negatived.*

SIR ROUNDELL PALMER said, he was not sure whether it would be proper here to advert to a subject which he regretted had not been referred to on a former clause that related to life interests in lands and hereditaments belonging to the clergy. What they had already done was to allow property to vest in the Commissioners, and by words in the former clause to reserve to the present holders all the corporeal hereditaments which they possessed for their lives in the same manner as if this Bill had not passed. He understood that a considerable part of the income of some of them was dependent upon fines; that was to say, they had leasing powers and they received fines on the renewal of the leases. A doubt had occurred to his mind whether the effect of the Bill had been hitherto to save the leasing power at all, and, if so, whether it was to remain with all its former incidents. It seemed to him that if a doubt existed upon the point the matter could be set right upon the Report.

MR. PIM said, he had given notice of an Amendment, the object of which was to increase the annuities to be paid to the holders of very poor benefices. There were in Ireland 297 benefices of under £100 a year, 421 of between £100 and £200, and 356 of between £200 and £300. In fact, about two-thirds of the benefices in Ireland had a net revenue of under £300. There were about 1,000 of the Irish livings in the patronage of the Bishops; and there could be no doubt that a considerable number of these livings must, in course of time, be given to the rev. gentlemen whose claims he advocated. It was utterly impossible that the Bishops could avoid giving at least some of those livings to those gentlemen, however much they might wish to bestow their patronage on their own particular friends. He therefore thought that clergymen who held very poor benefices were entitled to compensation for the loss of their chance of preferment. It should be remembered that by the Bill, these gentlemen were bound to perform duty for life; and, as the scheme of this Bill destroyed the prospects of promotion which they would otherwise have had, their case required some consideration from Parliament. Certainly they had a strong claim, and he trusted that the question would not be treated on merely technical grounds of law, but on liberal terms of equity. He thought they were entitled to something for the loss of their hopes of improvement; being now left in narrow circumstances, and in a much less favourable position than they might have anticipated. He had received several letters on the subject, not only from clergymen but from others. He had received one from Dr. Longfield, late Judge of the Irish Landed Estates Court, who remarked that a clergyman could only earn his bread as a clergyman or a schoolmaster, and they should offer him compensation not only for existing rights but also for the loss of future prospects. In the Library of the House he had seen an able pamphlet on the subject, and the writer held very much the same opinion as Dr. Longfield, and proposed something of very much the same character. Some holders of benefices had accepted less income than they had received when curates, in order to get into the way of promotion, and it would be hard if they should be placed in a worse position than they would have occupied if they had remained curates. He was anxious to have the principle established, because he thought it was not right or just that the holders of very small livings should get nothing more than a life annuity of the same amount as their present income. He had fixed on £250 a year as the average income for which those clergymen might reasonably hope, and he had put down twenty-five years as the term after which the increased annuity should commence to be paid, because he believed that term to be about the average of the number of years' service after which a clergyman might, under ordinary circumstances, expect a better position than that enjoyed by holders of those small livings. He trusted hon. Gentlemen would not be impatient. Indeed, if a provision limiting their own incomes to £100 a year for life were under consideration they would not think even two or three nights wasted in its discussion. His right hon. Friend the Prime Minister in a speech which he once delivered, referring to the interests of the parties of whom he then spoke, said that though it was not a legal interest, it was one with which the House were bound to deal generously, and he (Mr. Pim) hoped to see that sentiment applied to the present case. The interest for which he pleaded—that is, the expectation of preferment—was not a legal interest, but he submitted that, like the claims derived under the *Regium Donum*, it was an interest of a kind with which the House ought to deal generously. He therefore moved the following addition to Clause 14, page 5, line 24:—

"Provided always, That where the net income of the holder of any benefice does not at present amount to two hundred and fifty pounds per annum, the Commissioners shall increase the annuity to be paid to the holder of such benefice to the aforesaid sum of two hundred and fifty pounds as from the first day of January next succeeding the day on which he shall have completed the term of twenty-five years in the discharge of the duties of a clergyman in the Protestant Episcopal Church in Ireland."

MR. GLADSTONE said, he was sorry the Government were unable to accept the Amendment proposed by his hon. Friend. He did not deny the difficulty of the case. When a Church Establishment, involving so many interests, or even when a small establishment, involving interests on a smaller scale, was dealt with on the principle of abolition, there was always a great risk of inconvenience to individuals in the loss of the prospect of promotion, but it was impossible for Parliament to undertake to offer compensation for that loss. One reason for that was the extremely indefinite nature of those prospects. They had heard that all curates in Ireland received preferment; but the rule was not without exceptions, because he had received a letter some short time since in which the writer stated that though he had served under six Bishops in the same diocese, none of them had been sufficiently long in possession to provide for those in whom they felt a more natural and special interest, and, consequently, the writer had never been promoted. Supposing, too, that curates did get preferment, that preferment was of a very unequal character, though he agreed with his hon. Friend that, if they could deal with this matter at all, the case of the poor incumbent was a subject as worthy of consideration as that of the permanent curate. But let the Committee look—though he acknowledged that the analogy was somewhat imperfect—at the manner in which they dealt with the civil servants when Government offices or situations were abolished. When a Civil Service was abolished its duties were destroyed altogether, and the men were thrown out of their career altogether, except so far as superannuation was concerned, having no title to appointments elsewhere. He was bound to except from the statement of his hon. Friend that this Bill, although for disendowment and disestablishment, cut the parties off from all hope of improvement. He did not admit that those who received £150 or £200 a year as clergymen in Ireland could never hope for anything better in the Disestablished Church. When a civil servant in this country was dismissed he was compensated for his vested interest, and not on his prospect of preferment, although his prospect was secured by the fixed usage of the public service. A clerk passed from class to class by seniority, and even in that case the Government declined to compensate him, because his loss was not of a character which the law could measure, and to which a given amount of compensation could be adopted. In the case of the clergyman, he did not deny that much might be said in favour of the view advocated by his hon. Friend; but it would not only be a total departure from the usual practice to add fixed scales over and above those for vested interests, but it would raise such a diversity of claims, that we should probably end by creating greater dissatisfaction by the refusal of claims which it would be impossible to allow than we should confer pleasure by acceding to others which might be regarded as just.

Sir STAFFORD NORTHCOTE reminded the right hon. Gentleman that the civil servants under the circumstances alluded to received their compensations absolutely and without any condition; whereas in this case the compensations were given on the express condition that these recipients should continue to perform the duties they had hitherto discharged.

Mr. GLADSTONE did not say that the analogy between the two cases was perfect, but did not think that the remarks of the right hon. Gentleman had altered the analogy in a sense unfavourable to his argument. Why did the House impose duties on these individuals? Not for its own sake. It would have simplified the matter very much if Parliament had been able to adopt the principle of the public establishments, and to give an annuity and ask for nothing. But they had to consider that a clergyman belonged to a body, and was desirous of discharging his duties as one of that body; but, as against the body itself, Parliament imposed no duties whatever. Only let the clergyman and the body agree, the clergyman might receive his annuity and go scot free all over the world.

Mr. WALPOLE said, he did not know what was the case in Ireland, but in the case of many of the small livings in England the Ecclesiastical Commissioners would be increasing the incomes up to a certain amount, and where this was being done the holders, though possessing no vested interests, had an expectancy which in character very nearly approached it. If the clergyman had a reasonable expectation that an increase would be given to him from the Church property, it came as nearly as possible, to a vested expectancy, to which they should give some attention.

The ATTORNEY GENERAL for IRELAND (Mr. Sullivan) said, it was quite true that by the law in Ireland the Ecclesiastical Commissioners did augment small holdings; and to the full extent to which they would augment them up to the passing of the Act the holders would be entitled to compensation. The augmentation given by the Ecclesiastical Commissioners up to the passing of the Act would be considered a part of the income to be compensated for.

Mr. WALPOLE reminded the right hon. and learned Gentleman that his question referred not to augmentations which had been completed, but to those which were in progress.

The ATTORNEY GENERAL for IRELAND (Mr. Sullivan) said, that the point should receive consideration.

Dr. BALL said, that the Amendment proposed by the hon. Member for Dublin (Mr. Pim) was of great importance in principle, and the question was not whether the exact sum suggested as compensation should be adopted, or whether the particular proposal was exactly feasible, but whether the principle should not be accepted of giving some compensation for the utter and total destruction of the possibility even of promotion to benefices. He had expected that since the other evening the Government would have re-considered the question of compensation, founded upon the hopes of promotion which the clergy in the Irish Church might reasonably entertain. On a former occasion he had cited, from Hallam, who, in discussing this very question of the suppression of religious Establishments, excepted from his principles one class of persons—namely, those in whom the succession is either probable or designated. He believed that in the case of curates the succession was, not only probable, but he would go so far as to say he believed it to be designated. Mr. Stuart Mill, a politician of extreme opinions also, in his essay on Corporation and Church Property, was disposed to respect and consider the expectations of all persons actually in Orders. After all, it was not satisfactorily to be met merely by a majority, and the assertion—"We cannot do it." But every thinker said—"You ought to do it," and it was no answer to say that it was difficult to do it. He would accept with gratitude a small compensation; but the Prime Minister said he would give none, and that he would confine himself to forcing the performance of duty at such a miserably low payment that it was neither a compensation nor a benefit. He drew a distinction between the case of civil servants and the case of a clergy. Property of this nature must be dealt with on different principles from a sum paid by the nation out of its own resources, and of its own free will and pleasure. The Irish clergy had a designated right of succession in this property; but they would have no right of succession where the nation owned the property, and in respect of which they were dependent on the will of the State. The case of the civil servants was wholly different from the case of the clergy. They were like persons in a great mercantile establishment, who served a firm for years on the faith of the honour and generosity of that firm at the expiration of the service, but they could not be viewed as having the same right to compensation as if the property were their own.

Mr. VERNON HARCOURT said, the right hon. and learned Gentleman's (Dr. Ball's) proposition covered a much wider field than the conclusions he had drawn from it. If the *spes successionis* was a good ground for compensation, why should they stop at the small livings? If it belonged as right to the clergy of Ireland, it must belong to every member of that Church who had not reached the dignity of Archbishop of Armagh. It was obvious that, taking the ordinary chances of life, there was a certain number of incumbents who must sooner or later become Bishops, and a more limited number who must ultimately become Archbishops. The *spes successionis*, as put by the right hon. and learned Gentleman, as a legal basis of compensation could not be maintained for a moment. He was sorry his right hon. and learned Friend had rested his case upon that ground, because he hoped the Committee was something more than a court of law administering merely legal rights. He thought they might be regarded as doing something else than merely awarding compensation, either as a court of law or as a court of equity, according to the strict and narrow principles of distributive justice. The High Court of Parliament was something higher than that, and they had a right to dispense the generosity and bounty of the nation according to principles of sound policy. His right hon. and learned Friend had inconveniently mixed up two classes of rights—the freehold rights of incumbents and the rights not freehold which belonged to curates. When they came to the clauses dealing with curates he should appeal to the right hon. Gentleman at the head of the Government whether some different arrangement might not be made in the terms of compensation offered, but it would be inconvenient to deal with that question upon this clause. This clause dealt simply with freehold rights; and he did not see on what principle they could distinguish between such rights, and say that a person who had a small freehold should have a larger compensation, while a person with a large freehold should have a smaller proportionate compensation. Though they were all desirous of acting in a spirit of fairness and generosity in carrying out this act of public necessity and political justice, he did not see how the distinction which had been suggested could be drawn in this case.

Mr. BENTINCK said, his hon. and learned Friend (Mr. Harcourt) did not seem to be aware of the fact that the Ecclesiastical Commissioners of England had recognized the right of clergymen to the *spes successionis* by fixing the sum of £300 a year as the amount to which the incomes of all small livings should be raised. The hon. Member for Dublin (Mr. Pim) simply wished by his Amendment to raise small livings in Ireland to to £250 a year under analogous circumstances. The right hon. Gentleman at the head of the Government claimed an analogy between the cases of civil servants and the Irish clergy; but in that the right hon. Gentleman seemed to have forgotten the expression he himself made use of on a former occasion, when he said the clergy belonged to an indelible profession. The civil servants, when they left the service of the Crown and were compensated, could go into other professions, and had other means of earning money which were not open to the clergy.

The O'DONOGHUE said, he hoped the Committee would not assent to the

Amendment. They must not be generous at the expense of justice, and they must recollect that the ecclesiastical revenues of Ireland were the property of the Irish nation. The practical effect of Amendments of this character would be to leave little or nothing to be applied for national purposes. The principle of commuting life interests was open to grave objections, because they might be commuted on a scale which would altogether defeat the objects proposed by this Bill, and which would endow the Protestant Church of the future almost to the same extent to which it was endowed at present. If the principle of commuting life interests required the absorption of all, or nearly all, the ecclesiastical revenues of Ireland, that principle ought to be abandoned and things maintained in their present position during the lives of the present incumbents, and at their death the undiminished revenues of the Church could be applied to national purposes. They ought not to advance beyond the bounds of compensation proposed by this Bill, which, in his opinion, gave to the Irish Protestants considerably more than in justice they were entitled to.

MR. CHICHESTER FORTESCUE said, the hon. Member for Whitehaven (Mr. Cavendish Bentinck) had confused the principles of the hon. Member for Dublin (Mr. Pim) and the right hon. Member for the University of Cambridge (Mr. Walpole). The two things were quite different. The suggestion of the right hon. Member for the University of Cambridge stood on its own merits and would be considered by the Government; but the proposal of the hon. Member for Dublin was to deal with certain claims for compensation on an arbitrary rule and scale invented by himself, which would be an anomaly and inequality of which many would complain. If it were right to apply the principle of this Amendment to livings under the value of £250 a year, why should not the same rule be applied to other livings? It was clear that such a mode of compensation was one of the most arbitrary and unequal character. The hon. Member for Whitehaven suggested that the Irish clergy were under a disadvantage because they were confined to one profession. That was true; but it was equally true that their professional prospects and career were not destroyed by this Bill. The Committee must not suppose that there would not be a large demand for clergymen in Ireland after the passing of this Bill. It would, indeed, be a miserable state of things if the change now in progress were to have the result which some hon. Gentlemen seemed to fear. On the contrary, he was convinced that there would be a large demand for the services of clergymen, and although their pecuniary prospects would be affected by the Bill, they would certainly not be destroyed. The supply of clergymen to the Irish Church within the last five or six years had been largely diminished. The number of curates had decreased from 800 to under 500, and no doubt since the carrying of the Irish Church Resolutions last year the entrance of new members to the clerical profession in Ireland had received a great check. But the number of clergymen still in that Church was far beyond the reasonable necessities of the Irish Church. Their prospects and emoluments were by no means put an end to in other parts of the country and in the British Empire; and that was not an unimportant consideration in fixing their compensation by this Bill. As to the continued enforcement of religious duty on the clergymen receiving compensation, which had been referred to as another point of contrast between the treatment of civil servants and the treatment of the Irish clergy, there had been great exaggeration on that point. He denied that by this Bill they forced the perpetual performance of their present duties on the clergy of the Irish Church. It depended on themselves and the future governing body of the Church whether they should be discharged from those duties or not. If it seemed good to the incumbents and the governing body of the Church, those clergymen might either be transferred to other spheres of action within the Church, or be discharged from duty altogether; while they would continue during their lives to receive the compensations provided by this Bill.

SIR FREDERICK W. HEYGATE said, the right hon. Gentleman who had just sat down had shown them that there were more clergymen in Ireland now than were required, and yet he thought so well of their prospects and spoke of the good future before them. It had been admitted that two-thirds of the clergy of the Irish Church had these very small livings. What, then, became of the argument which was so often used concerning their inordinate pay and their great prospects? The fact was that, though the case of the curates was a hard one, the case of the holders of small livings was quite as hard. The curates and the holders of small livings had a good chance of removal to better livings; for there existed in Ireland a common practice of promoting a clergyman from one living to another, as though they were in the army or navy, and that led to reasonable expectations of promotion. He hoped the Government would support the Amendment of the hon. Member for Dublin (Mr. Pim), seeing that the amount involved was small, and that they would like to have the satisfaction afterwards of having done their duty to a class of hard-worked and ill-paid gentlemen.

Mr. SAUNDERSON pointed out, as an objectionable feature in the Amendment, that it would benefit a clergyman who had fulfilled his duties for twenty-five years, but would not be of the slightest advantage to a clergyman who had been in the Church twenty-four years and eleven months.

Mr. PIM said, that was a mistake, as the Amendment he had proposed would not have that effect.

Mr. O'NEILL supported the Amendment, believing that the compensation to curates and the holders of small livings ought to be increased. The holders of good livings took their benefices with the idea that they might remain in them probably for the rest of their lives; but the great majority of curates and the holders of small livings expected to be promoted, so that that drew a distinction between the two cases.

Sir ROUNDELL PALMER said, he regretted he could not support this proposal. He felt very strongly, as in the case of the curates, that there should be some kind of compensation for these parties; but he could not help thinking it must be given, if at all, in a manner which should not operate injuriously on the interests of the Church at large after disestablishment. The present proposition was to enable every clergyman now in the possession of a small living to refuse all commutation of his life interest, and remain in his living beyond twenty-five years, in order that he might hereafter obtain an increased annuity. Now, that might tend to be an obstacle to those re-arrangements of duties and that commutation of the interests of the whole body, which he deemed of paramount importance; and, therefore, though certainly not unwilling to support any proposition of another kind, which, without having this effect, might give due and reasonable consideration to this class of claims, he, with great reluctance, felt unable to vote for the proposed Amendment.

Mr. PIM, in replying, said, the discussion had satisfied him that the Amendment was right in principle, and that he had done right in proposing it. It was very important to convince the clergy that that House and the head of the Government meant nothing unfair towards them, and what had occurred tended to produce that effect. As he saw no hopes of carrying the Amendment he had proposed, he would not trouble the Committee to divide upon it.

Amendment, by leave, *withdrawn.*

Mr. GLADSTONE said, the words "permanent curate" were not known to the law, but a phrase was wanted to express a distinction that was required for the purpose of the Act, between the curates who might be said to be on a footing of permanence and those who stood on a temporary footing. The Amendment he had to propose referred partly to the circumstances of the incumbent and partly to those of the parish, and they defined the nature of the service of the curate. It would, at all events, give the Commissioners the mind and intention of Parliament, so as to enable them to decide who were to be regarded as permanent curates. He accordingly moved, in line 31, after the word "curate," to insert the words—

"Having regard to the length or term of his service, to the nature and extent of the duties needful to be discharged in the Benefice, and to the non-residence or infirmity, or other incapacity of the incumbent, or his habitual employment of a curate to assist him as heretofore."

Amendment proposed, in line 31, after the word "curate," to insert the words—

"Having regard to the length or term of his service, to the nature and extent of the duties needful to be discharged in the Benefice, and to the non-residence, or infirmity, or other incapacity of the incumbent, or his habitual employment of a curate to assist him as heretofore."—(*Mr. Gladstone.*)

MR. CONOLLY said, that, at that stage of the proceedings, he begged to put to the right hon. Gentleman a question of considerable importance, and he believed that, if it was discussed upon the principles of common charity, it would tend very much to simplify their dealing with the next clause. He wished to ask the right hon. Gentleman how the Government proposed to deal with those who were not permanent curates, and whether they meant to adhere to the provision in the following clause, that those gentlemen should only be compensated with the pitiful sum of £200?

MR. GLADSTONE said, the question was not strictly relevant to the present clause. But, at the same time, he could easily understand that hon. Gentlemen might wish to know more distinctly what was the view of the Government with respect to non-permanent curates; and he would, therefore, at once, state that they were prepared to modify the proposal they had made with respect to that class. They did not think it desirable to adopt the Amendment of the hon. Member for Dublin (Mr. Pim) as it stood, but they believed that with some slight alteration that Amendment might meet the justice of the case.

MR. ASSHETON CROSS said, that this was not a question of party spirit, but of strict justice. They wanted to find out, first, what was the vested interests of the incumbent; and, next, to compensate him for that interest. The right hon. Gentleman, in introducing his measure on the 1st of March, said that incumbents were to be secured in the receipt of a certain annual income, and that certain duties were to be discharged in return. An Irish incumbent was thus to be compensated according to the amount he received, the duty he performed, and he was to remain subject to the laws by which he was bound. He was bound to discharge the duties of his sacred office, and if he did not the Bishop might interfere. He (Mr. Cross) believed they were all agreed as to the desirability of carrying out the object contemplated by the Amendment of the right hon. Gentleman; but it appeared to him that that object would be better attained by substituting for the words proposed by the right hon. Gentleman the words of the Act of 5 *Geo.* IV. with respect to the duty of incumbents. Those words were as follows:—

> "The Commissioners shall have regard to the number of churches or chapels belonging to the benefice; to the distance of such church or chapel from the residence of the spiritual person serving that church or chapel; to the difficulty of personally attending the same, and to the negligence or mental and bodily infirmity of such spiritual person."

For the purpose of illustrating the caution with which they ought to proceed in that matter, he might state that in the diocese of Armagh there were twelve parishes, having each a Church population of over 1,000, with an average area of 9,000 acres, and in which the average income of the incumbents was £600 a year, while not one of these incumbents employed a curate. In the same diocese there were twelve other parishes of the same average acreage, but with a Church population averaging only 380, and in which the incumbents, who had similar incomes of £600 a year, all employed curates, although they had a much smaller Church population. Now, if the proposal of the Government were carried into effect, the result would be, as he understood the matter, that the incumbents who had not availed themselves of the services of curates for the better discharge of the duties of their several offices, would have no deductions made from their incomes, and would thus be placed in a better position than those clergymen who had taken care to supply themselves with proper spiritual assistants, and who would on that very account be subjected to the payment of a fine. He appealed to the Committee and to the Government whether that was a principle which it would be fair and reasonable to adopt? To be strictly just, the first inquiry should be as to what a man should have in the way of compensation, and when that had been decided it was time enough to inquire where the money should come from. It was no justification of the course proposed to say that it was not clear where the money should come from if the incumbent was not fined for it.

SIR ROUNDELL PALMER said, he wished to ask his right hon. Friend what was the precise intention of the Amendment? He put the case of a living where a curate was always employed, and presumed that, in such a case, the Government did not intend to fix upon the curate who happened to be there on the passing of the Act, and consider him as the permanent curate; because it might become necessary, for a variety of reasons, that he should leave: the incumbent, for instance, might require him to leave on some ground involving difference of doctrine, and, presuming the living required a curate, as a matter of necessity, a new one would have to be appointed and paid. This state of things should be borne in mind.

The SOLICITOR GENERAL stated, with reference to the criticism of the hon. Member for South-west Lancashire (Mr. A. Cross) that a clergyman with an income of £800 a year, out of which he had systematically paid £100 to a curate, should be regarded as having had an income of £700 only. The object of the Amendment was to guide and not absolutely to fetter the discretion of the Commissioners, and for this purpose he believed it was desirable that the words should be susceptible of a large interpretation. But that, he thought, would not be case if they were to adopt the words of the Act of George IV., as suggested by the hon. Member. The hon. and learned Member for Richmond (Sir Roundell Palmer) had raised a somewhat different point. He had regarded the curate as an office, and conceived the case of a curate who had been in office but a short time. As length of service, however, was one of the circumstances the Commissioners would have to take into account, the case his hon. and learned Friend had conceived was met. And, inasmuch as the incumbent had always had a curate, and his income had always been depreciated to the extent of that curate's salary, the depreciated income would represent a fair basis for calculating compensation. On the other hand, there was no injustice in compensating the curate found in possession of the office at the time of the passing of the Act. A particular curate might gain an advantage; but it was impossible to follow with precision the multitude of cases that would come before the Commissioners, and it was much better to lay down a general rule.

Sir ROUNDELL PALMER said, he did not consider the answer he had received from his hon. and learned Friend by any means satisfactory; the course proposed was most unreasonable, and would work injuriously to curate and incumbent. The fallacy of the Solicitor General's reasoning was patent. For the convenience of expression he treated a curate as the holder of a permanent office, and then used this convenient expression in a way false in logic and principle. His hon. and learned Friend had not met the case he had put of an incumbent who changed his curates in the hope of securing the best possible man for the purpose. In the case assumed there had never been any freehold in the curacy, there being only a sort of moral obligation upon the incumbent to keep a curate for the benefit of his parish; and so it would continue to be after the disestablishment of the Church had been effected. The clergyman could part at present with his curate at will; but, under the words of the Amendment proposed by the right hon. Gentleman at the head of the Government, when a curate had served six months in a parish before the passing of the Act he was to have a sort of windfall at the clergyman's expense, and was to receive a permanent annuity charged upon the clergyman's income, whether he gave satisfaction or not, whether he conformed to the doctrine of his incumbent or not, and whether he made himself agreeable or the reverse. The effect would be to compel the clergyman either to keep a curate whom he objected to or else to pay an additional one to discharge his duties. He thought that it was utterly unreasonable that a curate should be held to have a permanent charge upon the income of the clergyman, unless he had served such a reasonable time as would prove his fitness for the place.

Mr. CONOLLY said, nothing could be more plain than that the words proposed by the right hon. Gentleman at the head of the Government would compel the incumbent in many cases to pay two curates instead of one. He thought that the words at the end of the clause were perhaps the most important in the whole Bill that they would have to discuss, so far as the compensation clauses were concerned. They were as follows:—

> "The Commissioners shall determine the cases in which a curate is to be deemed a permanent curate, after hearing any objections that may be made to the permanency of the curate by the ecclesiastical person under whom he has been or is serving."

He thought that some more accurate definition of the word "permanent" should be given than those words afforded.

The ATTORNEY GENERAL for IRELAND (Mr. Sullivan), as there were several matters of moment to be discussed in this clause, said, it was necessary to distinguish accurately between them. He could not help thinking that the hon. and learned Member for Richmond (Sir Roundell Palmer) was discussing, under Clause 14, a subject which might be more appropriately discussed under Clause 15. The question which arose under the present clause was, what deductions were to be made from the incumbent's income; but the question as to who was to get the deductions so made was not now before the House, as that would have to be discussed on Clause 15. The Committee had already decided that deductions were to be made in respect of permanent curates; and the question before them now was whether the words proposed to be added to that clause of the right hon. Gentleman at the head of the Government were sufficient for the purpose of carrying out that conclusion. It was a curious circumstance that the word "permanent" was to be found in several old Irish Ecclesiastical Acts as applied to curates, and that in 14 & 15 *Vict.* c. 73, s. 2, it was declared that in ascertaining the net income of the clergy for the purposes of the Act, the "salaries of permanent and necessary curates" were to be deducted. The words used in the present case were mere amplifications of those words, the word "permanent" standing alone being considered too vague. It was perfectly true, as was contended by the hon. and learned Member for Richmond (Sir Roundell Palmer) that length of time of service formed an essential part of this clause, but the particular length of time was not defined. It might so happen that a clergyman who had kept a curate for twenty years might lose him some year or so before the passing of the Act, but surely it would not be right to say that, under these circumstances, his new curate was not to be regarded as a permanent one. It was the permanent employment by a clergyman of a curate that was intended to be looked to, and not the length of service in that capacity of any individual.

Sir ROUNDELL PALMER said, it was idle to attempt to separate the words "permanent curate" from the individual curate who was to receive the deductions to be made from the incumbent's salary. In order to bring the matter to a precise issue, he should move, as an Amendment on the right hon. Gentleman's Amendment, to insert after the word "service" the words "and also."

Amendment proposed to the said proposed Amendment, after the word "service," to insert the words "and also."—(*Sir Roundell Palmer.*)

Mr. GLADSTONE said, the Government could not agree to the Amendment of his hon. and learned Friend, because it would make a certain length of service by a curate a condition of the declaration under this Act that he had been a permanent curate. In the 14 & 15 *Vict.* the words "permanent curate" were used in precisely the same sense as that which the Government proposed they should have in this Act. The question whether the particular curate who might be holding the office at the time the clause was to come into effect had held it for a particular time, though an element of consideration in another respect, was not at all an essential element in the consideration of the question whether there had been a permanent curate. The object of that part of the clause now under discussion was not to determine the question to whom the salary was to be paid, but to determine whether the case was one in which a deduction was to be made from the incumbent, on the ground that there was a permanent curate. Lower down there were words which contained a provision that the rector was to be heard when the Commissioners were considering these matters.

Mr. CONOLLY said, he thought it would be well that the Committee should decide on what grounds the Commissioners were to determine the status of the curate.

The ATTORNEY GENERAL remarked that the words merely pointed out, for the consideration of the Commissioners, where there was any element for determining whether there was a permanent curate or not.

Mr. VERNON HARCOURT said, he thought the confusion had arisen from the words stating that the Commissioners should decide who were to be deemed permanent curates. The Commissioners were to pay the person so long as he discharged the duties of his office a certain annuity; and he had to suggest the insertion of words, to make it clear that they should deem that person a permanent curate who had been employed in any particular parish for a length of time.

Mr. LEFROY objected to give the Commissioners power to decide who were or who were not permanent curates.

Mr. J. H. PALMER said, that the clause connected too closely the personality of the curate with the nature of his office. They ought, in his opinion, to make as little alteration as possible in the language of the clause, and he should therefore suggest that these words should be used—"Having regard to the length of time during which such curate had been employed," instead of the words, "having regard to the length of term of his service."

Sir ROUNDELL PALMER said, what the hon. and learned Gentleman had proposed was exactly contrary to his view of the question. His object was to take from the incumbent and give to the permanent curate; but that if the permanent curate did not comply with the conditions, then the money should revert to the incumbent, who might then find another curate. He trusted the Committee would adhere to the clause.

General PERCY HERBERT said, he wished to know what was proposed to be done in the case of a curate who had been in Holy Orders for only eight or nine months, and who had been fortunate enough in that time to be appointed to a permanent curacy; and what would be the nature of the treatment accorded to the curate who had been in Holy Orders for twelve or fifteen years, but who at the last moment had undertaken the duties of a curacy which evidently was of a temporary character?

Mr. GLADSTONE said, he thought the hon. and gallant Gentleman could not have heard it stated that the Government purposed altering that portion of the Bill which related to non-permanent curates, with a view to bringing their condition nearer, although not identical to that of the permanent curates.

Mr. G. GREGORY suggested that this section of the clause should be postponed until the Committee had dealt with Clause 15.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 128; Noes 221: Majority 93.

Mr. GLADSTONE moved, in line 33, after "serving," to insert—

> "Provided always, That where deduction has been made under this section in respect of the salary of a permanent curate, and the salary of such curate ceases in the lifetime of the person in ascertaining whose yearly income such salary has been deducted as aforesaid, the Commissioners shall thenceforth pay to such person, so long as he lives and continues to discharge the duties of his office, a further annuity equal to the amount of such curate's salary, subject to the provisions for commutation hereinafter contained."

The right hon. Gentleman said, this proviso would repair a pardonable omission in the Bill. The omission was pardonable, because the circumstances of this part of the clause were so many, various, and complicated that it might be excused. It was, of course, entirely contrary to the intention of the Bill that an incumbent should be placed in such a condition as that, having had a deduction of the salary of his curate made from his income, and then, in consequence of the decease or departure of his curate, should find himself deprived of that part of his income.

Clause, as amended, *agreed to.*

Clause 15 (Compensation to curates).

Mr. PIM moved to omit the first part of the clause, which provided that the Commissioners—

> "Shall, as soon as may be after the passing of this Act, ascertain and declare by order, the amount of yearly income received by any permanent curate who has been or is serving as such curate on any day between the said first day of January one thousand eight hundred and sixty-nine and the first day of January one thousand eight hundred and seventy-one, both days inclusive, and shall pay to every such curate during his life an annuity equal to the amount of yearly income so ascertained as aforesaid, subject to the proviso that the annuity of such curate shall cease if, owing to his misconduct, or by his own free choice, he quit the curacy in respect of which the annuity is given to him."

The hon. Member said, it appeared that the right hon. Gentleman (Mr. Gladstone) was prepared to accept, to some extent, the principle suggested in the further Amendments of which he had given notice. His object in moving them was to secure the payment of a lump sum to each curate, so that the compensation he received should not be dependent upon his remaining in the curacy. He had received communications from curates in the dioceses of Cork, Ossory, and Cashel, who complained of the hardship of tying them down for life to one spot, and complained that the method of compensation proposed pressed with great severity upon the curates of longest standing. There did not appear to be any provision for old age and sickness, so that if a curate was incapacitated by sickness he would lose his annuity, which would be a great hardship, He (Mr. Pim) thought that, instead of a life annuity, a lump sum ought to be given to them, without enforcing any conditions, by way of compensation for their expenditure in preparing themselves for an office which they had expected would continue to be supported by the State.

Amendment proposed, to leave out the first paragraph.—(*Mr. Pim.*)

Mr. GLADSTONE said, he understood the hon. Member wished to collect what were the precise arrangements which the Government proposed with regard to the non-permanent curates. He wished to say, then, that he thought the Amendment might be adopted with one alteration, which would cause the increment to grow more slowly, because £50 a year was undoubtedly too rapid, and the effect of such a proposal would be to place the non-permanent curate in many cases in a better position than the permanent curate, The greatest difficulty in the Bill was not how to apply it as between the State and the body of the clergy, but to observe an accurate proportion in dealing with the various classes concerned. Now, clearly, non-permanent curates must not be treated quite so favourably as permanent curates. Under this Bill the permanent curate would receive on the average, as nearly as could be estimated, an annuity which would be commuted at between £1,300 and £1,400, subject to the condition that he was to perform his duty according to arrangements with his incumbent, during the lifetime of the incumbent. Subject to this condition, and to the consent of the incumbent and of the Church Body, he would be able to commute his annuity, and the commutation would vary according to the age of the curate and the amount of his salary, but the average would be about the amount stated. Of course, in commuting the annuity, the obligations of service would be considered. The incumbent would say—"You connot commute without compounding in respect of the service from the obligations of which you are going to be altogether relieved." A great portion of these permanent curates would be young men in the full vigour of life, and, supposing that the rector obtained from them one-half or one-third of the commutation money as the condition of releasing them from service, they would have £500 or £700 in their pockets—no very large sum, Heaven knew, for men of education, but still a much larger sum, probably, than many of them had ever commanded in their lives, and they would have the world before them. It could not be said in this case that in taking away their particular employment you took away all employment, for Ireland was only a small portion of the field open to them. There were in Ireland not more than 500 curacies, but in England there were more than 5,000, for every one of which the Irish curate, dismissed with £500 or £700 in his pocket, would be at liberty to compete upon terms of perfect equality. He was far from saying that any of them would get more than, or even as much as, they deserved to get, but he was sure that there were many hundreds of English curates whose mouths would water at the mode in which the Bill dealt with curates in Ireland. Assuming, then, that on a rough estimate—though he admitted this to be mere conjecture—the permanent curate on commutation would receive £1,300, of which he would surrender one-half to be relieved from duty, it was plain that the compensation paid to the non-permanent curate must be below that. In dealing with him there would be this important distinction—the sum paid to him would be coupled with no obligation; he would receive it unconditionally. Consequently, though it might be very fair to give a minimum of £200, in consideration of displacement from office, to every curate in Ireland, the sum should not be allowed to rise to £600 except where the non-permanent curate has served so long that he might be said to have ceased to be capable of transplantation. A man from twenty-five to thirty-five might go to England, Scotland, the Continent, or anywhere else, but at fifty a man's muscles were stiff, and he was not so ready to move into other countries. He should therefore propose that, instead of £50 for every year's increment, £25 should be substituted, the effect of which would be that the maximum of £600 would be reached after twenty-four years' service—that is, when a man was approaching fifty years of age. He was bound to say on this subject, that with certain happy exceptions, the clergy were the most underpaid labourers in the country, but then it was impossible for the Government to make any change in their position, and it would be not only foolish but criminal to prevent it. The Amendment, however, modified as he suggested, would, he believed, be one of the most liberal arrangements to be found in the Bill. The Committee would be justified in going so far, but he thought they would then be going far enough.

DR. BALL said, he thought the right hon. Gentleman was under some misapprehension as to the effect of his own clause. Under Clause 23 the value of the annuity would not be paid to the permanent curate, but to the representative body of the Church, and would they not at once seize it for the benefit of the Church? He suggested that the capitalized sum should be paid to the curate with the consent of the Church Body. In either case the consent of the Church Body would be necessary, but Clause 23 seemed to make the Church Body owners of the amount for Church purposes.

MR. GLADSTONE said, the point raised by the right hon. and learned Gentleman might deserve consideration when they came to the clause, but as to the intention of the Bill there was no doubt whatever. The obligation of the State was to satisfy these annuities; but it was not desirable to keep the State in direct personal relations with each member of the clerical body as paymaster and annuitant. Consequently, they looked to the Church Body as one which might conveniently undertake this agency for the State. For that purpose they were willing to overlook all questions of infirm lives, chances of resignation, and vacancies arising otherwise than from death; and, the whole of these lives being calculated at their value, the State would acquit itself of the obligation by handing over that sum to the Church Body charged with the payment of the annuity. There would then be absolute freedom as regarded the State with respect to the disposal of the money, and it would be entirely a matter for the Church Body and the Bishop, the incumbent, or the curate, with the consent of the incumbent, to determine upon what terms the annuity should be surrendered and the commutation substituted. If they could reserve any of it for re-endowment they had nothing to do with that, their duty being to acquit themselves from their obligations the best way they could, and that was the best way that occurred to them. If more words were necessary to make that clear, the time would come for doing so.

MR. BERESFORD HOPE wished to know how the principle of the very salutary improvement which had been introduced into the last clause, on the Motion of his hon. and learned Friend the Member for Richmond, was to be applied to the case of the curates of the Irish Church, and how the difficulty was to be met of the competing claims of their original curacies and of the general work of the entire community? Let him take the instance, by way of making his question clear, of a parish which was tolerably well served by one incumbent, but better by two—self and curate—and assume that the rector, from conscientious motives, had hitherto deemed it right that the work should be done double rather than single-handed. But the altered circumstances of the Irish Church, after the passing of this Bill, would lead him to take another view, undertake his own parish single-handed and offer the use of his curate to the Church Body. Well, then, the curate happening to be removed elsewhere to a place where there was need of spiritual labour, was the rector, who was obliged to go on working all the harder because his duties were performed single-handed, to be mulcted in Munster for the service of his late curate done in Connaught, or, was, on the other hand, the curate because he served in Connaught to lose his commutation and have to work as a mere voluntary minister? Either alternative involved a hardship and injustice. He wished to add that he had not spoken on the second reading of the Bill, although he thoroughly disliked and repudiated the whole scheme. That opinion of it he thought, however, he could express as emphatically in three words as in 300; but now that the Bill was in Committee he perhaps might be allowed to offer a few observations on the practical question how it was likely to work with such Amendments as would probably be made in it. A crying iniquity of the measure, from first to last, as he regarded it, was that it put the reasonable personal interest of the incumbent in unfair competition with the spiritual interest of the whole community. The one tempted him, for the sake of those depending on him, to take the life interest; the other urged him to claim commutation, and so win a little endowment back for the Church. His right hon. Friend at the head of the Government had last year informed the House that when his scheme, which was then in embryo, was completed, it would leave the clergy of the Church in Ireland something like three-fifths of the property which they now held. That was the inducement which he placed before the House to adopt his Resolutions. This year the right hon. Gentleman stated, at the close of one of his speeches, that the clergy would retire from the scene of Establishment with a capital sum of £6,000,000, but the fact was that the Church would not get, besides the value of the churches and glebe houses —both of them offered because they were held to be unmarketable—600,000 farthings; nay, it would not have three-fifths of one farthing as a community. All the commutations proposed were commutations to men for their lives, calculated upon a plan which was in itself most unequal, because the raw young man who happened to have been pitchforked into a living at twenty-four—for the duties of which he might not be particularly well fitted—would receive a sum not much less in its value than the price of the living calculated as a freehold, for his interests; while the venerable ecclesiastic of sixty or seventy years of age would, as his compensation, have hardly more than a year or two's income of his preferment, although he might be a Bishop or other dignitary who had risen by his learning and merit to the top of the tree. Yet the old man could best afford the risk of commutation, and that, he contended, was a thoroughly unjust mode of proceeding. It was arranging the whole system of commutations on a basis of philanthropic selfishness, and then setting that selfishness against the general interests of the Church by calling upon everyone of its clergy to say whether he should consider most his own livelihood and that of his wife and children or the contingent benefit of the body corporate. He could not refrain from expressing before he sat down his entire concurrence in what had fallen from his hon. and learned Friend the Member for the City of Oxford, to the effect that that House was not a court of law, but a tribunal where reigned the higher law of charity and mercy, and of that generosity which was in itself the higher statesmanship. Had his right hon. Friend happily entered upon this question in that spirit as he might have done, and yet have carried the Bill as easily, he would have began by offering the new Church Body a moderate lump sum on the condition of its dividing the income equitably among the existing clergy. Then the alternative systems of life payments or of commutations might have been brought in, and given fair play as to the margin of income which lay between the original value of the livings and the stipends enjoyed out of the interest of this lump sum. Such a measure would not be a re-endowment, but a mere act of grace and mercy, just as when, at the termination of a long suit in the Court of Chancery, a man lost an estate which he had long enjoyed, and the successor to it made him a present. This would be reckoned to be not re-endowing him or annulling the decree of the Court, but simply doing an act of charity and kindness, and contributing to break a heavy fall. So, in accordance with the rules of practice of the higher court of charity and religion, the fall of the Irish Church ought to be broken in a generous and liberal spirit. There were many hon. Members on the opposite Benches who he had no doubt were animated by such a spirit, while there were others of whom he was afraid as much could not be said—

> "Victorque Sinon incendia miscet
> "Insultans."

He had simply, in conclusion, to ask his right hon. Friend at the head of the Government to be good enough to give an answer to the Question which he had put to him at the outset of his remarks.

Mr. GLADSTONE said, no man needed less to apologize than his hon. Friend for the tone and the temper with which he pressed his views. His hon. Friend might occasionally use strong language, but he always used clear language, and that without giving offence. That was a happy facility which belonged but to few, and belonged to his hon. Friend as much as to any one. But he was not surprised that he and his hon. Friend did not agree, because they did not start from the same point. His hon. Friend said they ought to have contemplated the re-endowment of the Church, though on a more modest scale. But it never was their intention to do so. They had laboured, as far as depended on them, that the disendowment should be attended with no shock that could be avoided by their arrangements under the Bill; and if those arrangements could be so framed that the clergy, as he had said before, should be able to save something out of the wreck, the Government would not look on with an envious eye. That was, however, the furthest point to which the Government could go, and when he had stated, last year, that he believed three-fifths of the property of the Church would be given either to it or its members, he spoke in precise conformity with the course which was now being taken. He, however, explained distinctly at the time that the full value put upon glebe houses and churches with some reference to their cost was included in that statement. Another circumstance of a very satisfactory kind had since entered into the computation, which materially tended to disturb it, and that was that, speaking from the information which he then possessed, he was obliged to put the tithe commutation rent-charge at a lower value than that which it was hoped might be obtained for it by making a good arrangement. Having said thus much with respect to the general arguments of his hon. Friend, he must admit to him that there was a necessary competition in a case such as that with which the Committee were dealing between the interests of the incumbents and the general interests of the Church. The Government, however, did nothing to aggravate that competition. They, on the contrary, desired to soften it by every means in their power. It was undoubtedly very difficult to ascertain what was fair as between the people and the Church, but the Government were doing their best to ascertain this. They had agreed to the Amendment of the hon. and learned Member for Richmond not without some scruples, but in deference to the great weight of his authority. With regard to the immediate question raised by his hon. Friend, whether they could apply to curates a provision similar to that adopted at the suggestion of the hon. and learned Member for Richmond, authorizing a curate to carry, with proper consent, his services to other parts of Ireland, and at the same time to continue his annuity, he was afraid that would be difficult in consequence of the extreme complication which attached to the curates' case. Indeed, their case was peculiarly difficult to deal with. Vested interests might be dealt with easily enough, but it was very difficult to contrive means of treating as a vested interest that which was not one in the strict sense of the term. If a curate were allowed to circulate about Ireland while he was in receipt of a pension he would be placed in a false position with regard to the clergyman from whose income his pension was deducted. What they had provided for was that the commutation of the curate should be his release from all complications. He did not say that there would be any objection in principle to applying to the curate the same provision as that which the hon. and learned Member for Richmond had given in the case of the rector; but he doubted very much the sufficiency of the object. He was afraid that complication would attend such a method of commutation, and he thought that the general consent of the Church Body and the incumbent would provide all that was necessary.

MR. VERNON HARCOURT admitted that this was a most difficult part of the question. When the point was discussed as to whether the curate's annuity should be deducted from the rector's income, it was most material to ascertain whether the curate had permanently occupied that position or not, but that circumstance was wholly immaterial when the position of the curate himself came to be considered. He did not see why any difference should be made between permanent and non-permanent curates. Why did they call a curate a permanent curate? A curate might have served in a parish only six months. Was he to be treated as a permanent curate, because there had always been a curate in that parish? On the other hand, there might be a man employed as a curate in one parish for twenty years; but before the Bill came into operation he might be removed to a parish where a curate had not hitherto been employed, and his place supplied by another who had not been in the Church for six months. The Bill, as it stood at present, would regard the new comer as the permanent curate; and the curate of twenty years' standing as the non-permanent. Because the permanency was regarded not from the point of view of the service of the curate, but of the parish. Why not take the deduction from the living and pay it into a common fund, for distribution by the Commissioners among the curates according to their requirements and services in the Church? Agreeing as he did that it was highly necessary that the present Bill should pass, nothing could be more desirable than to temper its severity with as much liberality as possible. They had compensated the life interests of the Bishops, the incumbents, and the owners of advowsons—they had, perhaps, given too much to the landlords; and he should be very sorry to find that the hardworking and meritorious curates were to be the only persons who would not receive full and ample compensation. Their situation was such as entitled them to peculiar sympathy and consideration on the part of the House. As the hon. Member for Whitehaven (Mr. Bentinck) had pointed out, there were legal restrictions as to the occupations which a clergyman could follow, and there were particular reasons why curates in the Protestant Church should be treated with liberality. We set great store by the principle of the marriage of the clergy. Consequently the clergy of the Church of England generally were married, and frequently had very large families. In dealing with curates, therefore, they were dealing with a class of married men, and surely the compensation proposed to be given to non-permanent curates was inadequate. Originally it was proposed to give them a lump sum of £200. The hon. Member for Dublin (Mr. Pim), however, proposed to give them £50 for each year they had served as curates; and the Prime Minister, splitting the difference, proposed £25 a year. A curate would then, after twelve years' service, get £300. The larger sum proposed would only take £4,000 or £5,000 from the surplus to be applied to national purposes, and that would not be a material deduction from £311,000 a year. He was sorry to hear from the hon. Member for Tralee (The O'Donoghue) a remark that Amendments of this kind were an injustice to the people of Ireland. It ought not to be forgotten that an Irishman was an Irishman, whatever his creed might be, and therefore he thought the hon. Member for Tralee ought not to say that this money would be diverted from Irish purposes if it were paid to Irish Protestant curates. The number of these curates was only 500 at the outside, but he did not know what proportion were non-permanent. Now, instead of adopting the principle of payment by annuity and tying the rector and the curate together, it would be better to pay a lump sum and leave both free. If £500 were given to each curate, instead of £200, as had been proposed, the additional £300 would when capitalized amount to no more than £150,000, which might be deducted from the residue of £8,000,000. How did the Government propose to appropriate this residue? First of all £200,000 a year was to be given to lunatics and idiots. The Irish Protestant curates might, perhaps, claim to share some small part of that sum with the lunatics and idiots. The next item in the proposed appropriation was £15,000 a year for monthly nurses; and if they gave the additional sum which he proposed to the Irish curates it would amount to something less than one-third of the money they intended to devote to the payment of the monthly nurses. Another portion of the surplus fund (£30,000 a year) was to be applied for the benefit of the dumb. What might be the proportion of dumb people in Ireland he did not know; he should suppose it was somewhat below the average in the rest of the United Kingdom. However that might be, the sum he asked for the curates would be only one-tenth part of that proposed to be given to the dumb. Then there were other large amounts intended to be appropriated to reformatories and infirmaries—institutions, no doubt, very excellent and deserving; but, when they were proposing to do things handsomely, he did not think it was too much—having regard to the extent of the total sum of £311,000 to be applied to the various purposes which he had mentioned—to ask that that total sum should be reduced £4,000 or £5,000 a year, in order to pay this moderate compensation to the Protestant curates — and this was the whole matter there in issue. In making these observations he felt satisfied that he should not be suspected of any hostility to the measure of the Government. The Prime Minister himself had invited suggestions which, consistently with the broad outlines of the Bill, would secure a more beneficial application of these funds to the welfare of the people of Ireland, and had also declared that, in framing the measure, the Government had not been actuated by a spirit of unkindness towards the Church of Ireland as a religious communion. Now, it was exactly in that spirit that he ventured to suggest to the consideration of the Government whether the proposed treatment of that special class of persons might not be somewhat varied in the direction of liberality and generosity. The difficulties seemed to be almost insuperable to the payment of permanent curates by annuities, and it would be far simpler to give them a lump sum. The House was engaged in the performance of a great act of political justice. They were making by this Bill a great revolution. ["Hear, hear!"] An hon. Member cheered that remark. It was not the first revolution which the Liberal party had made. They made one nearly 200 years ago, which was admired by the hon. Gentleman opposite who cheered; and some Conservative gentlemen opposite saluted that revolution with Kentish fire by day, and celebrated it with libations by night. Therefore let them not be frightened by the word revolution. But when they were effecting a beneficent revolution he trusted they would effect it in a liberal and generous spirit, and endeavour, as far as possible, to sever an act of public justice from any sentiment of individual hardship or private wrong.

Mr. LEFROY said, the object of the Amendment which he had put on the Paper was to enable the curates to have their compensation as unconditionally as possible. He trusted, considering the large sum at the disposal of the Government, they would not be influenced by a feeling which he was sorry to hear expressed, though only for the first time, by one hon. Member that night, or by the consideration of a few pounds more or less. He hoped there was a generous feeling on the other side of the House, and a disposition that, if the principle of the measure were carried, there should not be a very close scrutiny as to the sum to be granted by way of compensation to gentlemen who were, by this Bill, to be deprived of many comforts, and prospect of further promotion. He begged to move in page 5, to leave out from line 34 to line 11, page 6, both inclusive, and insert—

"Nothing in this Act contained shall affect or alter the right of any curate employed previous to the passing of this Act to recover the salary to which he would have been entitled by law if this Act had not been passed, so long as such curate shall continue to be so employed, and such salary shall be recoverable by action in any of the superior courts of law in Dublin, or by civil bill, if the amount sued for be within the jurisdiction of the civil bill courts; and it shall be lawful for the Commissioners, and they are hereby required, to make compensation to any curate who shall lose his employment after the passing of this Act (except such loss shall arise from his own free choice or from his misconduct), by an annuity of one hundred pounds per annum so long as he lives and continues to discharge the duties of a curate in the Church in Ireland with the approval of the representative body of the said Church, such annuity to be increased by a sum of   pounds for each year that such curate has served in the Church over and above the period of ten years, or by a capital sum equivalent to such annuity at the election of the said curate, and any order of the said Commissioners for such compensation shall be subject to an appeal to the Court of Queen's Bench in Dublin."

Mr. CHICHESTER FORTESCUE said, it would be impossible for the framers of the Bill to consent to such a proposal as that of the hon. Gentleman (Mr. Lefroy), for it was quite inconsistent with the principles of that part of the Bill. The effect would be, from such time as the clause became law, to give the strongest possible inducement to every rector in Ireland to dismiss his curate, knowing that so soon as the dismissal took place the curate would draw £100 a year from the common fund. He wished now to say a few words with respect to what had fallen from his hon. and learned Friend (Mr. Vernon Harcourt). He could not agree with those who took little account of the surplus of the Church funds, which the Government considered to be the national property of the people of Ireland. He could not agree with the hon. and learned Gentleman that it mattered little whether the surplus was large or small. In dealing, therefore, with these several points of compensation—of which he admitted the case of the curates to be one of the most difficult and complicated—they ought to look to what was fair and just in the particular instance, and not to be carried away by vague declarations of indifference as to the surplus. The case of the curates was one of great difficulty and perplexity, and he could assure his hon. and learned Friend that the matter had cost those Members of the Government concerned in passing the Bill at least as much anxiety as it had probably cost himself. Before the plan now under the consideration of the House was adopted, various other plans had been examined and discussed, and, among others, the very plan of forming a common fund out of the deductions from the incomes of incumbents; but if his hon and learned Friend knew with what difficulties of a practical and formidable nature the plan was beset, he would not have spoken of it with equal confidence. The Government had divided the curates into two classes—permanent and non-permanent. With respect to the permanent curates, there might be cases in which a curate had only just entered into the service of an incumbent, and would be fixed upon the benefice as a permanent curate, but that could only happen where the Commissioners, in the exercise of their discretion, decided according to the terms of the Act that the office was a permanent office in connection with the benefice. His hon. and learned Friend contended that compatability of temper between the curate and his employer could not in all cases be insured. He admitted that there was an inevitable difficulty, growing out of the connection which the Bill would create for a time between the incumbent and his curate; but that difficulty had been greatly exaggerated. And, in practice, there would be means of escape from the difficulty greater even than could now be foreseen. There was, first, commutation; and the incentive to establish relations upon a new footing would be all the greater if anything disagreeable arose between the incumbent and his curate. It was provided, under the Bill as proposed to be amended by the Government, that, with the consent of the incumbent, the curate might escape, and yet retain his annuity under the Bill. An incumbent, having strong reasons for wishing to let his curate go, would give that consent; and, in many cases, he would be able to do so without loss, by employing some curate who was charged upon some other benefice, and that by a matter of exchange. In extreme and rare cases, where the difficulty suggested would arise, exchanges would take place if commutation were not resorted to, and besides that they would be able, in some cases, to obtain the services of those non-permanent curates who were about to be compensated with a lump sum. Ample means of escape from the difficulty pointed out, though exaggerated, would be found in the working of the plan proposed by the Government. With respect to the non-permanent curates, his hon. and learned Friend was rather hard to satisfy. These curates had one great advantage over the permanent curates, for they were free from the first to devote themselves to any sphere of emolument they could find. He knew that at present the supply of clergymen to the Church of Ireland was absolutely at a stand-still; and it was inevitable that such should be the case for some time to come; but these young and active clergymen, the non-permanent curates, would doubtless find, if not in the Irish Church, in other spheres of ministerial activity, careers open to them, retaining, of course, the moderate gratuity given to them under the Bill. His hon. and learned Friend next alluded to what he called the small amount of compensation that would fall to the lot of curates of ten and twelve years' standing in the Irish Church. No doubt the greater the age they had arrived at in the condition of curates the more sympathy he (Mr. C. Fortescue) was inclined to feel for them; but he ventured to believe that such cases would be rare. The number of such curates would be very small indeed who would not come under the class of permanent curates.

Mr. SYNAN said, the hon. and learned Member for Oxford (Mr. Harcourt) had made a strong personal allusion to the hon. Member for Tralee (The O'Donoghue), applying equally to the other Catholic Members from Ireland, in which he charged them with being actuated by illiberal, and, perhaps, sectarian, motives. On his own part and theirs he repudiated the charge. The Catholic Members were actuated by the highest, the most liberal, and just considerations.

Mr. VERNON HARCOURT said, he was at a loss to understand the hon. Member. He had never made any imputation upon the Catholic Members.

Mr. SYNAN said, he was very glad

he had misapprehended the hon. and learned Gentleman. He certainly had not mistaken the charge of illiberality made by the hon. Member for Cambridge University (Mr. B. Hope), and felt deeply complimented by the gentlemanly feeling and Batavian grace of his classical allusion. So far from the Irish Church being harshly treated, he maintained that it was treated with justice, with liberality, and even with generosity. Assuming that glebes were not a marketable property, they ought to have been put down at the value to the Church of at least £1,000,000. If he thought the Irish curates would be dealt with unjustly by the proposed Amendment of the Government, he would be the first to take their part. The argument with respect to it proceeded upon the assumption that the unendowed Church of Ireland would afford no field for the services of those gentlemen; but he thought they would be the persons to whom a new field would be opened. The incumbents, from age and long service, would disappear; and, in computing the compensation the curates would get under the Bill, the Committee must not forget that the curates were a body that would not disappear from the stage; but that they would be transferred from one position to another, and in addition receive the compensation to be given under the Bill. He did not consider it was at all likely that the permanent curates would be in a worse position than the non-permanent curates.

Question put, "That the words 'The Commissioners' stand part of the Clause."

The Committee *divided*:—Ayes 220; Noes 107: Majority 113.

Mr. GLADSTONE moved to leave out at page 6, line 3, the words—"by his own free choice," and to insert, instead—"without the incumbent's consent." This was to enlarge the scope of the words. "By his own free choice" was not sufficiently extended.

Mr. DISRAELI said, that after the explanation given by the right hon. Gentleman at an earlier period of the evening with respect to the 23rd clause, it would not be necessary that he should take the sense of the Committee upon the point then under their consideration.

Sir ROUNDELL PALMER said, that all that had been stated on the part of the Government, when they were discussing the 14th clause, seemed at present to be forgotten. They were then told that when they came to the 15th clause they would arrive at the proper time for discussing the claims of the curates. But they were at present dealing with that clause, and giving a life annuity to a curate who was found to be a permanent curate at the period of the change, without the slightest attempt to carry on the arrangement in favour of the incumbent.

Mr. GLADSTONE said, he did not think they were open to the observation of his hon. and learned Friend. At the time they were discussing the 14th clause, they gave it as their opinion that, under that clause, it would be open to the incumbent to object before the Commissioners on one or other of two grounds—either that there was no case for declaring that there ever had been a permanent curate, or that the clergyman acting at the time being was not such a curate. Beyond that they did not wish to go, and if anyone wished to proceed further it was for him, and not for them, to propose an Amendment to that effect.

Dr. BALL said, that after the Committee had decided against the Amendment proposed from the Opposition side of the House on the 14th clause, they felt that it would be useless for them to proceed with the Amendments of which they had given notice on the 15th clause.

Mr. BENTINCK desired to have a clear statement of the course the Government meant to take with respect to curates. After the able speech of the hon. and learned Member for Oxford (Mr. Harcourt), the Chief Secretary for Ireland addressed the Committee, but spoke in a very low tone. ["Oh, oh!"] Those hon. Members who cried out "Oh!" were not in the House at the time. He should like to have a clear statement of the intentions of the Government.

Mr. GLADSTONE said, that the hon. Member had been rather severe on those hon. Members who were not in their places at the time referred to, but he was sceptical as to the presence at that period of the hon. Member himself. [Mr. Bentinck: I was present during the whole debate.] In that case it was unfortunate that he had not made the intentions of the Government understood by the hon. Member; but he had stated distinctly how far they could go in meeting the views of hon. Gentlemen with respect to curates. The plan of the

Government was that a permanent curate, once declared to be so, should have his annuity; and with respect to a non-permanent curate, they met the proposal of the hon. Member for Dublin (Mr. Pim) by substituting £25 for £50. Beyond that, with the exception of the Amendment of which he had given Notice, the Government had no change to announce with respect to curates; but any proposal made by any hon. Member would receive their attention.

LORD CLAUD HAMILTON asked, whether any provision would be made for curates incapacitated from duty by mental or bodily infirmity?

Amendment *agreed to.*

MR. GLADSTONE said, he had now to move an Amendment which would serve as an answer to the inquiry just made by the noble Lord (Lord Claud Hamilton). He proposed, in line 4, after "him," to insert the words, "or by ill health or otherwise become incapable of discharging the duties of such curacy."

Amendment *agreed to.*

MR. PIM, who had given notice of an Amendment in the clause by leaving out, "£200" and inserting "£50 for every year during which he shall have served as a curate," observed that the proposition of the right hon. Gentleman at the head of the Government to insert £25 instead of £50, was a satisfactory one, and he was quite prepared to accept it.

MR. GLADSTONE said, he was prepared to recognize £200 as the proper minimum, and to alter four into eight years. The Amendment of the hon. Gentleman (Mr. Pim) would then stand thus—

> "Line 11, leave out 'two hundred pounds' and insert 'twenty-five pounds for every year during which he shall have served as a curate; Provided always, That in any case in which the period of service of any curate shall not amount to eight years, the Commissioners may make up such gratuity to the sum of two hundred pounds; Provided also, That such gratuity shall in no case exceed the sum of six hundred pounds.'"

Amendment *agreed to.*

On Question, "That the Clause, as amended, stand part of the Bill,"

MR. E. W. VERNER said, he wished to ask a question which, he admitted, ought more properly to have been put when Clause 2 was under consideration.

Under the Poor Relief Act for Ireland three chaplains might be appointed to workhouses, one connected with the Established Church, another connected with the Presbyterian body, and the third a Roman Catholic. He wished to know how the right hon. Gentleman at the head of the Government intended to deal with the chaplain connected with the Established Church when that Church was disestablished?

MR. GLADSTONE, in reply, said, he thought that a provision would probably be required of a general nature, when they had ascertained all the cases of a somewhat similar kind as that referred to, which they would have to include. The clause would be framed so as to provide that where any person or officer is employed on behalf of the religious community which is now the Established Church, such person or officer shall continue to be employed hereafter in respect to the said religious community, although it shall have ceased to be the Established Church.

LORD JOHN MANNERS asked whether the right hon. Gentleman intended to introduce such Amendment in the present Bill?

MR. GLADSTONE replied that that would depend upon the circumstances of the case. Perhaps he would propose the clause in the present Bill; but, at all events, he would give notice of it.

DR. BALL reminded the right hon. Gentleman that there were many cases in Ireland in which persons by virtue of the ecclesiastical office they held enjoyed certain privileges and prerogatives and administered trusts. He hoped that the right hon. Gentleman in framing his clause would include all these persons in it.

Clause *ordered* to stand part of the Bill.

Clause 16 (Compensation to diocesan schoolmasters, clerks, and sextons).

MR. GLADSTONE proposed the insertion, in line 25, of "or district" after after the word "diocesan."

Agreed to.

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) moved, line 25, to leave out "from any incumbent or incumbents in respect of his or their benefice or benefices," and insert—

"Under any warrant of the Lord Lieutenant in Council made under the provisions of the Act of the Session of the fifty-third year of the reign of His late Majesty King George the Third, chapter one hundred and seven, or any statutory amendment thereof."

Amendment *agreed to.*

MR. BRODRICK said, that having had an opportunity of expressing his opinion, at an early stage, of the merits of the Bill, he had no wish to press unnecessarily upon the time of the Committee. The object of his Amendment was to do justice to a very small but deserving body of men, the diocesan architects, who were appointed under the 14 & 15 Vict., known as Napier's Act. The Bishop appointed one in each diocese, and their duty was to superintend all the alterations of the glebe houses, to make periodical inspections, to report on the repairs necessary, and to see that those repairs were properly completed. They were, indeed, such useful functionaries that he wished there were similar ones on this side of the water. There was no provision in the Bill for compensating these officers for the extinction of their employment. He had added the words "or emoluments" after "salaries," because they were not paid by definite yearly salaries, but by a commission on the repairs they had superintended. One gentleman, who had filled this office for fifteen years, told him that his professional earnings from this source, for the last three or four years, had exceeded £100 per annum. These offices would not be continued because, as the glebe houses fell in and were purchased under the provisions of the Bill, they became the property of the Church Body, which need not employ diocesan architects unless it chose to do so. It was a fair case for consideration, and, though he did not say that the diocesan architects were entitled to any large remuneration, they were entitled to something. He trusted that the House would on this subject emulate the spirit of the hon. and learned Member for Oxford (Mr. Harcourt) rather than that of the Chancellor of the Exchequer, who had said that, although they were prepared to do justice to the Irish Church, yet that justice did not mean liberality; and that they would not legislate in the spirit of the First Minister of the Crown, who had declared that he was prepared to do justice, but that justice must also be done to the large and important interests—interests of his own creation—which had to receive the surplus after these claims had been satisfied. There was not above twelve or thirteen of these diocesan architects in the whole of Ireland, and their compensation would not amount to a very large sum. No other class had so great a claim to a first charge on the funds as those who were the first to suffer from the change. He moved, page 6, line 27, after "benefices," to insert—

"The amount of yearly salary or emoluments which any diocesan architect appointed under the provisions of the Act of the fourteenth and fifteenth years of Victoria is entitled to receive."

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) said, the compensation for officers connected with the Church would be considered with the greatest care, and with the greatest anxiety to extend compensation to every case to which it could reasonably be extended. But it had been found impossible to recognize the so-called office of diocesan architect. There was no such office known. The only authority for such an appointment was the Church Building Act of 1851, which gave the Bishop power to appoint three or more persons, one being a competent architect, to view the ecclesiastical buildings and improvements. That was the provision under which these persons claimed to be diocesan architects; and, if they were to be compensated, he did not see why the other persons appointed on those commissions might not claim compensation also. Again, the Bishop had power to appoint a "competent tradesman." Did the hon. and learned Gentleman propose to compensate "competent tradesmen?" The Government could not accept this Amendment, because the clause was based upon the reasonable supposition that officers connected with the Church whose offices the law recognized were entitled to fair compensation; but this was an office which it had been found impossible to recognize. He trusted the hon. and learned Gentleman would not press his Amendment.

DR. BALL concurred in the opinion that these could not be regarded as freehold offices, but it had been usual to name one architect in each diocese to perform the duties referred to. The right hon. and learned Gentleman (the

Attorney General for Ireland) might put these persons in the 17th clause, and give them one year's emoluments.

Mr. PIM said, he hoped the Government would accept that suggestion.

Amendment *negatived.*

Mr. CHARLEY moved in page 6, after line 27, to insert

"(2.) The amount of yearly salary which each organist of any cathedral, or of any church or chapel in the said Church, is entitled to receive."

The effect of that Amendment would be to take the organists out of the 17th clause and to put them into the 16th. It might be said that the 16th clause dealt only with freeholds, and that the office of an organist was not a freehold; but the office was generally held *quamdiu se bene gesserint* and was therefore in the nature of a freehold. He held in his hand a list of organists in Christ Church Cathedral, Dublin, from 1595 to the present time, appended to which was a declaration of the chapter of that cathedral that the office of organist was a life appointment, subject to good behaviour, and that there had never been an instance of dismissal. Lord Stowell was of opinion that the salary of an organist could be charged upon a Church rate. The Ecclesiastical Commissioners of Ireland, in the Return of their average annual expenditure, gave the sum of £1,410 as payable to organists, whilst the Irish Church Commissioners' Report contained a sum of £670 paid to organists out of the economy fund annexed to the several cathedrals. The organists, therefore, had as much vested interest in the property of the Church as the incumbents, and in some out-of-the-way places, such as Tuam, there was no private tuition on which they could fall back if they were deprived of their income. There were, he believed, about thirty organists of cathedrals in Ireland, and 100 of churches; he was willing to limit his Motion to the organists of cathedrals.

The ATTORNEY GENERAL for IRELAND (Mr. Sullivan) explained that, in dealing with the question of compensation, the Government found that they should confine themselves to what might be called freehold offices. A person holding the office of organist could not be included among this class, and could not consequently be placed in Clause 16. He fully admitted that the case of organists was deserving of the consideration of the Committee. Some of the most distinguished men had filled the position, and some of the persons who at present held the office were entitled to every respect and consideration; but he could not accede to the proposition of the hon. Gentleman. He could, however, propose for that class of persons better terms than those mentioned in Clause 17. In that clause one year's salary was proposed. On the representation and by the recommendation of several persons representing churches in Ireland, particularly representing the cathedral in Dublin, he had prepared an Amendment to Clause 17, which he intended to propose, and which he thought would meet the justice of every possible case, and would leave the Commissioners an unfettered discretion to deal with cases of a peculiar character.

Mr. LEFROY said, he thought the organists ought to have a life interest, as their appointment had always been for life.

Mr. GLADSTONE said, he thought that they should not mix up non-freehold offices with those that were freehold. The duties of an organist were of an undefined character, and varied in different churches, and it was hard to say in what cases there would be a diminution of their emoluments, and in what cases no such diminution.

Mr. BENTINCK submitted that a great number of life interests which, strictly speaking, could not be called freeholds, existed in cathedrals, and the organist's post was one of them. It was not just that a person who had accepted a post on the presumption that it would be continued to him for life should be dismissed with a single year's salary simply because it could not be established in law that his interest in the office was for life. It was well, however, that the doubt as to whether the appointment was for life arose in other case than that of organists. It had always been a matter of doubt whether non-capitular members of new cathedrals—those re-founded at the Reformation—had a freehold in their office or not; indeed, that point was distinctly raised in the celebrated case of Dr. Whiston. Supposing that the principle of disestablishment were to be applied to the Church of England, what would be the fate of those permanent non-capitular officers of St. Paul's Cathedral who were not members of the minor corporations of the Church, but who nevertheless held appointments for life to all intents and purposes? By the clause it was proposed to leave these gentlemen in the hands of the Commissioners, who were to give them any compensation they might think fit. He should therefore submit that either the proposal of the hon. Member (Mr. Charley) be acceded to on the part of the Government, or else that they should insert words giving the organists a life annuity equal to their yearly salary.

MR. PIM admitted that the Government was right in not embracing those gentlemen among those entitled to a freehold interest, but he trusted that the Commissioners would inquire into their case. He thought that the organists should be treated on the footing that they possessed a life interest in their situations. He proposed to amend the Amendment of the right hon. Gentleman by inserting the words, after the word "compensation," "either by annual payment or by way of life annuity."

MR. CHARLEY said, that having ascertained that his Amendment could be discussed with more propriety on Clause 17, which referred to the organists, he begged to give notice that he should move an Amendment upon the Amendment of the right hon. Gentleman at the head of the Government on that clause.

MR. J. B. SMITH asked whether the hon. Member intended to include the organ blowers in his Amendment?

MR. CHARLEY said, that the observation of the hon. Member was conceived in the spirit of the 17th clause, in which the organists were classed with the vergers. He begged to withdraw his Amendment upon the present clause.

Amendment, by leave, *withdrawn.*

MR. VANCE moved the following Amendment, after line 30 insert (3)—

"The amount of yearly salary which each vicar choral and choirman of any cathedral in Ireland is entitled to receive."

In many of the Irish cathedrals, particularly Armagh, they attracted, by large salaries, men skilled in music from England and other countries; they were almost as necessary for the performance of the cathedral service as the clergymen themselves. Their position was as nearly as possible a freehold one, seeing that there was a fund for their superannuation and compensation. They were all gentlemen who had received a most excellent education, and in the event of the clause being passed as it stood, they would be left destitute at an age too advanced to obtain other employment, with the exception of the small provision which the Commissioners might make for them.

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) observed, that the Amendment embraced two matters. There was a very great distinction between vicars choral and choirmen. Vicars choral were in many cases a corporation, and those who enjoyed freehold offices would get compensation upon that footing. On the other hand, stipendiary choirmen were in the same position as organists, and he saw no objection to putting them into Clause 17, under which they would be entitled to a gratuity.

MR. BENTINCK urged the right hon. Gentleman to consent to the word "stipendiary" in this clause.

MR. VANCE said, that all the persons, in whose favour he had moved his Amendment, wanted was to be allowed to remain where they were, and to be paid their annual salary as long as they performed their duty. He hoped the Government would agree to those terms.

Amendment *negatived.*

MR. ASSHETON CROSS remarked that the clause provided for the remuneration of schoolmaster, clerk, and sexton, but only as long as they continued to perform the duties of their office. He thought that words ought to be inserted to insure them the remuneration even if they ceased to perform their duty, provided that they ceased so to do without any fault of theirs.

MR. GLADSTONE said, the suggestion would be considered.

Clause, as amended, *agreed to.*

Clause 17 (Compensation to organists, vergers, and others).

MR. GLADSTONE wished to insert, in page 7, line 2, after "fit" the words—

"And where the said Commissioners shall find that any such person is or may be deprived of any income derived from any property or fund vested in the said Commissioners under this Act, they may pay to any such person such further sum by way of compensation as they shall, with the consent of the Lords Commissioners of Her Majesty's Treasury, determine."

Another Amendment proposed, in page 7, line 2, after the word "fit," to insert the words—

"And where the said Commissioners shall find that any such person is or may be deprived of any income derived from any property or fund vested in the said Commissioners under this Act, they may pay to any such person such further sum by way of compensation as they shall, with the consent of the Lords Commissioners of Her Majesty's Treasury, determine."—(*Mr. Gladstone.*)

Amendment proposed to the said proposed Amendment, by inserting in line 4, after the word "person," the words—

"So long as he shall live and shall continue to discharge the duties of his office in the same cathedral, church, or chapel, an annuity equal to the amount of the income of which he is or may be deprived."—(*Mr. Charley.*)

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 199; Noes 314: Majority 115.

Mr. PIM moved, as an Amendment to the right hon. Gentleman's (Mr. Gladstone's) proposed Amendment, page 7, line 2, after "compensation," line 4, insert "either by a single payment or by way of a life annuity."

Amendment *agreed to.*

Mr. GATHORNE HARDY, in reference to the right hon. Gentleman's (Mr. Gladstone's) Amendment, said, he was at a loss to understand why, in this clause—and in this clause only—the free action of the Commissioners was to be made dependent upon the consent of the Treasury. The object was not certainly to increase the amount of extra compensation, but probably to diminish it.

Mr. GLADSTONE said, that, in conferring a discretionary power on the Treasury, they had followed the course that seemed most consonant, and one that was also in accordance with precedent. The concurrence of the Treasury was of extreme utility, because they had a large and varied experience of money questions of this kind. The trustees of the British Museum, for example, were in the habit of consulting the Treasury, though they were under no statutory obligation to do so.

Mr. WALPOLE said, the British Museum Trustees dealt with money derived from public grants. In this instance, the proper plan was to take care that the Commission was so constituted as to inspire confidence in its decisions, independently of any influence brought to bear upon it by the Government of the day. In ordinary cases, he agreed that the control of the Treasury might be useful in cases of compensation; but in this case he should have thought that his right hon. Friend would have been the first to say that the Government ought not to be virtually a court of appeal. He hoped that the right hon. Gentleman would re-consider this point.

Mr. GLADSTONE said, that though he retained his former opinion, he did not wish the House to pronounce a final judgment on the question at present; but the opportunity would be given for the fresh consideration of it. In the case of the law courts, although they were not dealing with funds from the Exchequer, the concurrent action of the Treasury was provided, not with power to decide anything, but simply as a check.

Mr. WALPOLE said, they were admitting here a principle of great importance for the first time. It was not a controlling power, but, on the contrary, they were going to take the power of increasing the compensation.

Mr. GLADSTONE: As they, the Commissioners, shall determine.

Mr. WALPOLE said, he thought the matter should be left in the hands of the Commissioners, and he hoped that before they parted with the Bill the point would be carefully considered.

Clause, as amended, *agreed to.*

Clause 18. (Compensation to lay patrons).

Mr. GOLDNEY proposed, in the second line of the clause, to insert after the word "ascertain," the words, "as hereinafter mentioned," with the view to the adoption of a subsequent Amendment, fixing a basis on which to ascertain the value of the lay patron's interest.

Mr. GLADSTONE said, the Government was desirous of doing what the hon. Gentleman wished—namely, to introduce positive and definite terms into the clause; but, owing to the great difficulty of arriving at a basis of calculation, the provisions in the Bill were the only provisions they could introduce. He should be glad to hear the words which the hon. Gentleman proposed to introduce, though he could scarcely hope that the hon. Gentleman had been more successful than themselves.

Mr. GOLDNEY accordingly read the words which he intended to propose, and, which he thought would have the effect he desired.

The ATTORNEY GENERAL for IRELAND (Mr. Sullivan) said, the greatest pains had been taken in the case of advowsons sold under the direction of the Landed Estates Court to ascertain the basis to settle the value of these interests. None of these attempts had been satisfactory; and the Government, therefore, had thought it better to allow the Commissioners to act for themselves, and in case of the lay patrons and the Commissioners disagreeing as to the value of the property, to leave the matter to be decided by arbitration.

Mr. NEWDEGATE complained that the Bill contained no provisions for compensating the laity. He could not see the justice of establishing a basis when it could work favourably for the purchasers, and refusing to establish a basis when it would act as a restraint upon their acquisition. It seemed to him that what is just in one case is just in another.

Mr. GLADSTONE assured the hon. Gentleman that the Government had very carefully considered this question, and had obtained the best information they could respecting the sale of advowsons. If, however, the hon. Gentleman wished it, that information should be put into such a shape that it could be laid before the House; but he was bound to say he did not recommend the production of the records, as he believed they would prove unfavourable to the opinions expressed by the hon. Gentleman. It would be impracticable to fix a scale like that which the hon. Gentleman had referred to.

Colonel GILPIN remarked that this question appeared to have puzzled even the right hon. Gentleman himself. They had been debating the Bill seven hours. It was then past twelve o'clock, and, to give the right hon. Gentleman an opportunity of having the point cleared up, he would move that the Chairman report Progress.

Mr. GOLDNEY said, he was really anxious that this matter should be "thrashed out," as he was confident he could prove to the Committee that his views were right. The project of disendowing the Church had been in contemplation for a considerable time, during which no man in his senses would have thought of purchasing an advowson in Ireland. If the Government intended to take an advowson from one man in order to sell it to another the owner ought to receive as much as the Government were going to take. In England, at all events, and he presumed in Ireland also, the following was the simple method of calculation adopted in dealing with advowsons. The net value was first ascertained—namely, the amount arising from glebe lands and tithes, and then a deduction was made in respect of the charges thereupon. A sum was allowed for the cost of a curate, and then so many years' purchase, ranging ordinarily from nineteen to twenty-five, was taken. This fact was already before the House in the shape of a Return relating to Lord Westbury's Act, which authorizes the sale of a certain number of livings in the gift of the Lord Chancellor. Indeed, some of them fetched as much as thirty-five years' purchase, the calculation being made on the principle which he had endeavoured to indicate to the House.

Mr. CHICHESTER FORTESCUE said, the object of the Government was simply to ascertain the market value of these advowsons, and to give that sum, neither more than less, to the lay patrons. The common-sense method laid down in the clause, to leave the matter to the arbitration of three eminent gentlemen, was the best that could be adopted.

Mr. NEWDEGATE said, the right hon. Gentleman the Chief Secretary for Ireland sat in the House during the time the Incumbered Estates Court was in operation, and consequently he would remember the enormous depreciation of property which resulted from forcing a mass of property into the market at one time. Some properties were then sold at ten or twelve years' purchase or less; and, indeed, he knew of some properties which, by reason of the market being glutted by legislation, were bought at twelve years' purchase, and which were now worth double that sum. The present legislation would produce exactly the same effect on the property of advowsons. They would be forced into the market, and if the right hon. Gentleman the Secretary for Ireland took the market price it would have to be taken in a market unduly depreciated by the act of the Legislature.

Colonel STUART KNOX said, he hoped the right hon. Gentleman would remember market value when the clauses were reached which related to glebe houses and Bishops' lands. Gentlemen on that side wanted no favour, but simply justice, and it was justice which they could not get from the other side of the House.

Mr. GLADSTONE remarked, that the Government had entirely made up their minds on the clause, and he hoped the Committeee would be permitted to divide upon it at once.

Mr. GOLDNEY said he should certainly press his motion to a division.

Lord JOHN MANNERS called attention to the fact that they had not seen the Amendment in print, and thought the discussion ought to be adjourned till they had an opportunity of comparing it with the Bill.

Mr. GLADSTONE said, if the hon. Member had not printed his Amendment, that was not the fault of the Government. It might be brought up on the Report.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(*Colonel Gilpin.*)

The Committee *divided:*—Ayes 176; Noes 289: Majority 113.

Mr. FITZWILLIAM DICK said, he had been the House since noon, and it being now half an hour beyond midnight he must move that the Chairman leave the Chair.

Mr. H. A. HERBERT said, he had also been the House since noon; but he thought it was now an early hour for such a Motion to be made as had just been proposed.

Mr. GLADSTONE said, that notice not having been given of the Amendment moved by the hon. Member for Chippenham (Mr. Goldney), which raised a point that perplexed the noble Lord opposite (Lord John Manners), the proper and by far the most expedient course would be for the hon. Gentleman to raise the question he had brought forward upon the Report. He had stated the facts of the case as far as they were at the command of the Government, as well as at the command of hon. Members, and before the hand of the clock reached twelve a Motion was made for reporting Progress. It was undoubtedly for the interest of all parties not to cut short discussion, but to proceed with all rational despatch. As it seemed to be so much the desire of the other side of the House that the Chairman should report Progress, he should not further oppose a Motion to that effect; but he hoped that hon. Gentlemen who had Motions on the Paper for to-morrow would give way, so as to allow the Bill to be proceeded with. One of the hon. Members for Suffolk (Mr. Corrance) had a Motion for to-morrow to which he attached considerable importance. He hoped that the hon. Gentleman would give way. Provided hon. Gentlemen kindly waived their privileges for to-morrow evening. he could promise that they would have the first night at the disposal of the Government, except in cases of questions of urgent necessity, after the Irish Church Bill had passed through Committee.

Mr. DE GREY said, he had the authority of the hon. Member for Suffolk for stating that he fully intended to proceed with his Motion.

Colonel GILPIN said, the right hon. Gentleman was in error in saying that he had moved to report Progress before the clock struck twelve. The right hon. Gentleman having accepted the adjournment showed that he was not wrong in the Motion he had made.

Mr. GLADSTONE said, he would to-morrow renew his appeal to the hon. Member for Suffolk to withdraw his Motion until a day should be given by the Government.

House *resumed.*

Committee report Progress; to sit again *To-morrow.*

NEWSPAPERS, &c. BILL—[Bill 66.]

(*Mr. Ayrton, Mr. Chancellor of the Exchequer.*)

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Mr. AYRTON explained that its object was to repeal Acts which had been passed in very troubled times, and the necessity for which had entirely passed away. For instance, the first Act recited that as the country was at war with France, it was necessary to restrain dangerous and seditious publications, at the instance of the public enemy, and, therefore, very stringent provisions were enacted to prevent the French from making use of the public Press of this country for their own purposes. They might now repeal that Act. Another of the Acts was passed for levying taxes upon newspapers. They had ceased to levy the tax, and therefore that provision ought no longer to be enforced against persons who desired to carry on the business of publishing newspapers. Two of the Acts mentioned in the Schedule of the Bill had been already repealed. The matter had been previously under the consideration of the House, and the House was of opinion that they ought not to maintain those statutes.

Mr. WALPOLE said, he thought it desirable that some steps should be taken for the preservation of newspapers in the British Museum, as they were most useful for the purposes of reference on the events of the day. As he understood that the Secretary for the Treasury intended to bring in a measure for that purpose he would give his assent to the present Bill.

Mr. AYRTON said, that it was his intention to introduce a Bill on the subject.

House *resumed.*

Bill *reported;* as amended, to be considered *To-morrow.*

MILITIA BILL.—[Bill 82.]

(*Mr. Secretary Cardwell, Major Vivian.*)

COMMITTEE.

Order for Committee read.

Captain STACPOOLE said, that the object of the Bill was to provide for the granting of commissions to subalterns in the army and officers on half-pay who might choose to enter the Militia.

Sir MICHAEL HICKS-BEACH said, that the Bill had his approval except the 3rd clause relating to the appointment of Militia officers for a temporary purpose. It was necessary to find officers from some permanent source; and, as there was a difficulty in procuring officers, he suggested that half-pay officers of the army, and those who had served some time abroad, should be appointed to Militia regiments. He hoped to hear from the right hon. Gentleman the Minister for War that he was prepared to deal with the subject in a satisfactory manner.

Colonel GILPIN said, he had no doubt the Bill was framed with the best intentions, but he feared it did not adopt the best plan to attach officers to the Militia. He would suggest that young gentlemen of the counties should be attracted to the Militia by the prospect of obtaining commissions in the Line.

Major WALKER, while admitting the difficulty of dealing with the subject, was not sure whether the remedy suggested by the hon. Baronet would be the best that could be adopted. There was little encouragement to join the Militia at present, and promotions were now so extremely sluggish that if they were made slower he thought the Militia would come to a state of stagnation.

Mr. CARDWELL said, it would have been unjustifiable to ask the House to go into Committee on this Bill if it necessarily involved a discussion on the cardinal question of the reserved forces, which was one of the greatest importance, and had engaged the attention of the present Government from the time of its formation. Two suggestions offered in this conversation showed that the subject was attended with great difficulty, and the probability was that both suggestions would have to be adopted to some extent in any really effective plan. His object, however, was to ask the House to consent to the small things which the Bill proposed, and which were necessary for the training of the Militia about to commence. There was power at present to train the Yeomanry and Volunteers along with the regular forces. The 1st clause of the Bill asked for the same power in reference to the Militia. and everybody agreed that it was desirable that power should exist. As there was a great scarcity of officers of Militia, particularly of subaltern officers, and officers could be found in the army for the Militia, the 2nd clause gave power to attach any officer of the regular forces to a Militia regiment; but there was not the least desire to force army officers into the Militia; and they were to be attached only on the requisition of the Lord Lieutenant. The 3rd clause, which was universally assented to, abolished the property qualification for Militia officers; and the 4th merely prevented a Volunteer, who had passed one period of training, availing himself of any technical error in attestation.

Colonel BRISE, who had a regiment of eight companies with only eight company officers, one of whom was on the sick list while another was a Member of this House, cordially approved the Bill, and if it passed would immediately avail himself of the power of requisition. There was considerable difference of opinion involved in the question, and he, on a previous occasion, suggested that additional inducements should be offered to gentlemen who contemplated joining the army, to enter first into the Militia, while waiting for their commissions—also that a specified number of commissions in the regular Army should be periodically offered to Militia officers to be competed for.

CAPTAIN VIVIAN said, the Bill was really a Bill rather to amend the law than to affect at all the question of the reserve force.

Bill *considered* in Committee.

House *resumed.*

Bill *reported* without Amendment; to be read the third time *To-morrow.*

COPYRIGHT (PERIODICALS) BILL.

On Motion of Mr. AYRTON, Bill for amending the Law relating to Copyright, so far as regards the delivery of periodical publications at the British Museum, *ordered* to be brought in by Mr. AYRTON and Mr. CHANCELLOR of the EXCHEQUER.

Bill *presented,* and read the first time. [Bill 93.]

RAILWAY CONSTRUCTION FACILITIES ACT (1864) AMENDMENT BILL.

On Motion of Mr. WHALLEY, Bill for the amendment of "The Railway Construction Facilities Act, 1864," *ordered* to be brought in by Mr. WHALLEY and Mr. M'MAHON.

Bill *presented,* and read the first time. [Bill 94.]

House adjourned at half after One o'clock.

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HOUSE OF LORDS,

Friday, 23*rd April,* 1869.

MINUTES.]—PUBLIC BILLS—*First Reading*—Norfolk Island Bishopric * (73).

Second Reading—Lands Clauses Consolidation Act Amendment * (38).

NEW PEER.

The Right Honourable Sir James Plaisted Wilde, Knight, Judge of Her Majesty's Court of Probate, and Judge Ordinary of Her Majesty's Court for Divorce and Matrimonial Causes, having been created Baron Penzance of Penzance in the county of Cornwall—Was (in the usual manner) introduced.

ARMY—THE MILITARY FORCE OF THE KINGDOM.—OBSERVATIONS

LORD MONCK, in rising to call attention to the present condition of the Military Force of the Kingdom, with a view to suggest means for improving its efficiency, diminishing its cost, and securing more systematic co-operation between the active and reserve branches of the Army, said, that the subject was one of so much importance, whether looked at with regard to the safety of the kingdom or in its financial aspect, that their Lordships would not require an apology from any man, who had devoted time and thought to it, for bringing before them the results of his study and consideration. He would premise that he had no fault to find with the course pursued by the Government, for, as far as they had yet developed any policy on the question, every step they had taken met with his full concurrence; and the fact mentioned by his right hon. Friend the Secretary for War, that they had to decide on the principles on which their Estimates should be framed within the first fortnight of their tenure of Office, was a sufficient reason why they should not have rushed precipitately into larger schemes. No one, however, he was sure, would admit more readily than his right hon. Friend the advantage which a Minister might derive from public attention being directed to the affairs of his Department; and he hoped—should he be so fortunate on the present occasion as to obtain the attention of the House—to elicit from Members, whose acquirements and abilities rendered them high authorities on the subject, observations which might tend to smooth the path and strengthen the hands of his right hon. Friend in the difficult task which lay before him. He (Lord Monck) was no enthusiast for military glory, nor did he desire large armaments for their own sake; his aspirations were of a very moderate character; and he should be quite satisfied if he could convince himself that we had within the country a body of trained men numerically sufficient to protect us from the risk of invasion, and an organization capable of wielding that force. Regarding our military provision in the light of an insurance against the risk of danger, he was desirous, like all insurers, of obtaining the highest degree of security with the smallest rate of premium. Now it could not be denied that a strong impression existed in the public mind that we were paying an extravagant rate of premium, and that the security was of a very inefficient, if not of an entirely illusory, character; and, believing this impression to be in a great measure well-founded, he was anxious that no time should be lost in placing matters on a more satisfactory footing. The adequacy of our military preparations was a compound question, and depended for its solution on the views which might be entertained on two preliminary questions — the likelihood of our being attacked, and the strength of our possible assailants—for were there no probability of our being attacked, the obligation of providing for defence would be reduced to the smallest point; and, were there absolutely no assailants, that obligation would disappear altogether. Most happily we were at present on terms of peace and friendship with all foreign Powers; but it would be imprudent on that account to disregard the fact that, about every six months, we are disturbed by rumours of war impending between some of the great European Powers, into which wars we might be drawn whether we would or not; that Europe was literally bristling with bayonets from one end of it to the other; and that there was a strong tendency, where a highly organized machine adapted to a particular end had been created, to test its efficiency in practice. We knew, on the other hand, that, other things remaining the same, the chances of invasion varied in an inverse ratio with the power of resistance; and he thought we could afford to disregard the speculative, and to apply ourselves to the practical, question—namely, what the forces were which might be brought to attack us, and what powers we possessed for resistance. Now, since any danger of attack could only proceed from one or more of the great military Powers of the Continent, our military preparations must clearly bear some relation to theirs. It would be childish to shrink from this comparison through any motives of a merely sentimental character—especially as such a comparison with reference to strength, efficiency, cost, and system of management would not only enable us to judge of the sufficiency of our arrangements, but of the reasonableness of the price we paid, and might furnish hints for the improvement of our military system. He proposed to select for this purpose the Armies of France and Prussia — because those Powers were our nearest neighbours; the Armies of both had lately been tested by the experience of actual war with eminent success, and their systems embodied principles of organization distinct from each other and our own; while, together with our own, they exhausted the principles applicable to the subject. He wished it to be understood, however, that it was not to the numbers of the force available for our home defence that he objected, but to their quality; for, were he satisfied of their efficiency, he should be content with a smaller force than 400,000 men, the number recently given by his right hon. Friend. In order to make the comparison, he was about to institute a profitable one, these considerations should be borne in mind—first, that the practice adopted by Continental nations of making their Reserve largely consist of trained soldiers enabled them to place in the field at the very commencement of war a very large and efficient army; secondly, that their custom of dividing the country into military districts, each with its general, divisional, and brigade staff complete, enabled them to move their troops immediately on the outbreak of war; thirdly, that the application of steam to locomotion, both by land and water, enabled them rapidly to concentrate their forces on any given point; and, fourthly, that the weapon with which the soldier was now armed made him more of a skilled labourer, rendering instruction in his art more indispensable to his efficiency, and the communication of such instruction less easy; so that mere numbers, unless accompanied by military efficiency, were very little protection in time of war. The figures he was about to quote were derived partly from *The Statesman's Manual*, and partly from a statement made by Baron Kühn in the Austro-Hungarian Parliament, and reported in *The Times* of the 15th of January; but he had had an opportunity of comparing them with statistics derived from official sources, list while another was a Member of this House, cordially approved the Bill, and if it passed would immediately avail himself of the power of requisition. There was considerable difference of opinion involved in the question, and he, on a previous occasion, suggested that additional inducements should be offered to gentlemen who contemplated joining the army, to enter first into the Militia, while waiting for their commissions—also that a specified number of commissions in the regular Army should be periodically offered to Militia officers to be competed for.

Captain VIVIAN said, the Bill was really a Bill rather to amend the law than to affect at all the question of the reserve force.

Bill *considered* in Committee.

House *resumed.*

Bill *reported* without Amendment; to be read the third time *To-morrow*.

COPYRIGHT (PERIODICALS) BILL.

On Motion of Mr. Ayrton, Bill for amending the Law relating to Copyright, so far as regards the delivery of periodical publications at the British Museum, *ordered* to be brought in by Mr. Ayrton and Mr. Chancellor of the Exchequer.

Bill *presented*, and read the first time. [Bill 93.]

RAILWAY CONSTRUCTION FACILITIES ACT (1864) AMENDMENT BILL.

On Motion of Mr. Whalley, Bill for the amendment of "The Railway Construction Facilities Act, 1864," *ordered* to be brought in by Mr. Whalley and Mr. M'Mahon.

Bill *presented*, and read the first time. [Bill 94.]

House adjourned at half after One o'clock.

HOUSE OF LORDS,

Friday, 23rd *April*, 1869.

MINUTES.]—Public Bills—*First Reading*—Norfolk Island Bishopric* (73).

Second Reading—Lands Clauses Consolidation Act Amendment* (38).

NEW PEER.

The Right Honourable Sir James Plaisted Wilde, Knight, Judge of Her Majesty's Court of Probate, and Judge Ordinary of Her Majesty's Court for Divorce and Matrimonial Causes, having been created Baron Penzance of Penzance in the county of Cornwall—Was (in the usual manner) introduced.

ARMY—THE MILITARY FORCE OF THE KINGDOM.—OBSERVATIONS

Lord MONCK, in rising to call attention to the present condition of the Military Force of the Kingdom, with a view to suggest means for improving its efficiency, diminishing its cost, and securing more systematic co-operation between the active and reserve branches of the Army, said, that the subject was one of so much importance, whether looked at with regard to the safety of the kingdom or in its financial aspect, that their Lordships would not require an apology from any man, who had devoted time and thought to it, for bringing before them the results of his study and consideration. He would premise that he had no fault to find with the course pursued by the Government, for, as far as they had yet developed any policy on the question, every step they had taken met with his full concurrence; and the fact mentioned by his right hon. Friend the Secretary for War, that they had to decide on the principles on which their Estimates should be framed within the first fortnight of their tenure of Office, was a sufficient reason why they should not have rushed precipitately into larger schemes. No one, however, he was sure, would admit more readily than his right hon. Friend the advantage which a Minister might derive from public attention being directed to the affairs of his Department; and he hoped—should he be so fortunate on the present occasion as to obtain the attention of the House—to elicit from Members, whose acquirements and abilities rendered them high authorities on the subject, observations which might tend to smooth the path and strengthen the hands of his right hon. Friend in the difficult task which lay before him. He (Lord Monck) was no enthusiast for military glory, nor did he desire large armaments for their own sake; his aspirations were of a very moderate character; and he should be quite satisfied if he could convince himself that we had within the country a body of trained men numerically sufficient to protect us from the risk of invasion, and an organization capable of wielding that force. Regarding our military provision in the light of an insurance against the risk of danger, he was desirous, like all insurers, of obtaining the highest degree of security with the smallest rate of premium. Now it could not be denied that a strong impression existed in the public mind that we were paying an extravagant rate of premium, and that the security was of a very inefficient, if not of an entirely illusory, character; and, believing this impression to be in a great measure well-founded, he was anxious that no time should be lost in placing matters on a more satisfactory footing. The adequacy of our military preparations was a compound question, and depended for its solution on the views which might be entertained on two preliminary questions — the likelihood of our being attacked, and the strength of our possible assailants—for were there no probability of our being attacked, the obligation of providing for defence would be reduced to the smallest point; and, were there absolutely no assailants, that obligation would disappear altogether. Most happily we were at present on terms of peace and friendship with all foreign Powers; but it would be imprudent on that account to disregard the fact that, about every six months, we are disturbed by rumours of war impending between some of the great European Powers, into which wars we might be drawn whether we would or not; that Europe was literally bristling with bayonets from one end of it to the other; and that there was a strong tendency, where a highly organized machine adapted to a particular end had been created, to test its efficiency in practice. We knew, on the other hand, that, other things remaining the same, the chances of invasion varied in an inverse ratio with the power of resistance; and he thought we could afford to disregard the speculative, and to apply ourselves to the practical, question—namely, what the forces were which might be brought to attack us, and what powers we possessed for resistance. Now, since any danger of attack could only proceed from one or more of the great military Powers of the Continent, our military preparations must clearly bear some relation to theirs. It would be childish to shrink from this comparison through any motives of a merely sentimental character—especially as such a comparison with reference to strength, efficiency, cost, and system of management would not only enable us to judge of the sufficiency of our arrangements, but of the reasonableness of the price we paid, and might furnish hints for the improvement of our military system. He proposed to select for this purpose the Armies of France and Prussia — because those Powers were our nearest neighbours; the Armies of both had lately been tested by the experience of actual war with eminent success, and their systems embodied principles of organization distinct from each other and our own; while, together with our own, they exhausted the principles applicable to the subject. He wished it to be understood, however, that it was not to the numbers of the force available for our home defence that he objected, but to their quality; for, were he satisfied of their efficiency, he should be content with a smaller force than 400,000 men, the number recently given by his right hon. Friend. In order to make the comparison, he was about to institute a profitable one, these considerations should be borne in mind—first, that the practice adopted by Continental nations of making their Reserve largely consist of trained soldiers enabled them to place in the field at the very commencement of war a very large and efficient army; secondly, that their custom of dividing the country into military districts, each with its general, divisional, and brigade staff complete, enabled them to move their troops immediately on the outbreak of war; thirdly, that the application of steam to locomotion, both by land and water, enabled them rapidly to concentrate their forces on any given point; and, fourthly, that the weapon with which the soldier was now armed made him more of a skilled labourer, rendering instruction in his art more indispensable to his efficiency, and the communication of such instruction less easy; so that mere numbers, unless accompanied by military efficiency, were very little protection in time of war. The figures he was about to quote were derived partly from *The Statesman's Manual*, and partly from a statement made by Baron Kühn in the Austro-Hungarian Parliament, and reported in *The Times* of the 15th of January; but he had had an opportunity of comparing them with statistics derived from official sources, and he believed they were, in the main, correct. The standing Army of France, with the colours, was in round numbers, 404,000; the Reserve consisted of 353,000 men, all trained soldiers; and the National Guard Mobile, which, he believed, could not be called out without a special Act of the Legislature, consisted of 550,000 men: making in all 1,307,000. In North Germany, the standing Army, with the colours, consisted of 319,000; the Reserve — all men who had passed through the ranks, and therefore, trained soldiers—of 524,000; and the Landwehr or Militia of 185,000:—together 1,028,000 men. With a smaller population, and a much smaller expenditure, North Germany, he might remark, had a more effective army even than France. Now, supposing we should come into trouble with either of these Powers, we had, according to the statement of the Minister of War, recently made in the other House, a force of 400,000 men; composed of 92,000 regular troops, 100,000 Militia, and 24,000 Reserve and Pensioners, the balance being Yeomanry and Volunteers. The first observation that would strike anyone on reading this statement would be that this was really not an Army in any sense whatever, but was a vast agglomeration of soldiers, more or less—he was afraid rather less than more—trained in the duties of military service, and unconnected by any unity of command, or any systematic organization. There was no military organization higher than that of the regiment, and even that, in the case of a large portion of the force, was very imperfectly carried out. Should there be a threat of invasion to-morrow we should have to extemporize, under the pressure and confusion of the moment, the whole distribution of our force into armies, divisions, and brigades, and to appoint the whole of our general, divisional, and brigade commanders and staffs; so that there would be officers going into action without any knowledge of the troops under their command, and soldiers led by officers of whom they had no knowledge, and in whom consequently, they had no confidence. This, he believed, was no highly coloured picture of what would occur. He did not, however, wish to press this point, for he observed that the defect had not escaped the observation of his right hon. Friend, and he hoped that, in any steps taken to correct it, the great object of securing unity of command over all the military forces of the Queen would not be lost sight of. Turning to details, it was obvious that the 92,000 regular troops included every name borne on the strength of the Army within the British Isles. They included all the recruits at the depôts, who could not be regarded as available for immediate service; and when this deduction was made, as well as the further deduction always to be made from the force on paper in ascertaining the effective force in the field, our Regular Army would shrink to very moderate dimensions. Of the residue he would only say that he felt sure that they would prove worthy of the eulogium pronounced by Marshal Bugeaud on British troops—"L'Infantèrie Anglaise est la plus redoutable de l'Europe;" and would exemplify the remark with which it was accompanied—"Heureusement il n'y en a pas beaucoup." The Reserves were so few as to be scarcely worth mentioning; indeed, he believed his right hon. Friend had stated that they were only to be found between the covers of a body of statutes. They would, however, probably perform as good service as could be expected from a force consisting principally of worn-out Pensioners. The next force was the Militia, which his right hon. Friend called the ancient constitutional force of the country, and on which he pronounced a very high panegyric. He (Lord Monck) concurred in every word of his right hon. Friend with regard to that force; and, in any observations he might make, he wished to guard himself against being supposed to utter one word in disparagement of the officers or men of the Militia. In his criticisms it would be to the system and not to the men that he would take exception. He agreed with his right hon. Friend that we must mainly depend on the Militia for the protection of the country; but it required an application of that process of reform, which had been already applied to many of our institutions, to bring it into harmony with the spirit of the age, and to make it sufficient for the requirements of our military service. His right hon. Friend need not, on a recent occasion, have quoted the authority of the great Duke of Wellington to show that the Militia might be made a very available force for defensive purposes, nor did it require the large military experience of the late Lord Seaton to prove that a regiment of Militia, if embodied for six or perhaps twelve months—as he ventured to say was the case with the regiment to which his right hon. Friend's anecdote referred—could be fit to take its place beside a regiment of the Line. What it was important to ascertain was whether the system of instruction applied to the Militia made effective and available soldiers out of the undeniably good materials of which that force was composed? Now, having had some experience in endeavouring to bring into form raw levies of Militia and Volunteers, his deliberate opinion was that it would be difficult for human ingenuity to devise a system of training more wasteful of the public resources, more ineffective in military results, and more injurious and onerous to the men than that now applied to the Militia. As their Lordships were well aware, the system adopted for training the Militia was that the men were called out for twenty-seven days in each of the five years of their period of service, with an addition of fourteen days for recruits in the first year. Now, according to the best information he could obtain, it took six months' continuous training to make a recruit fit to take his place in the ranks of a regiment of the Line. He left it, therefore, to the common sense of their Lordships to decide on the degree of proficiency that could be gained by Militiamen in a period of five months, or rather less, spread over five years, with an interval of twelve months between each period. The time was manifestly too short to give them any really useful military knowledge, while it was long enough to disturb and dislocate their industrial arrangements with their employers. He did not wish to insist much on the point that the Militia were armed with the old muzzle-loading rifle, because, if we had the rifles, it was easy at any time to serve them out to the Militia; but it should be borne in mind that to arm men with new weapons involved an additional delay in training them to the use of them, and that one of the inexorable conditions of the problem was to have troops ready for action at the outset of war. As to the officers, he should be sorry to say a word hurtful to the feelings of so excellent a body of men; but he believed they would themselves be the first to admit that they were not sufficiently instructed in their duties—a circumstance which was no disgrace to them, since he knew of no machinery provided by the country by which they could obtain that instruction. He now came to the Volunteers—a force of which in its proper place he desired to speak, not only with respect, but with admiration. The creation of that force had produced a moral effect, both in England and on the Continent, which it would be difficult to exaggerate, and for which the country owed them a debt of gratitude. They had effectually vindicated the national character from the oft-asserted charge of degeneracy; and no man, who had not himself tried it, could appreciate the irksomeness of the discipline to which they had subjected themselves in order to attain their present state of efficiency. With all these merits, however, he objected to the Volunteers being treated as other than auxiliaries, or to their being reckoned among the standing forces of the country. He objected to it on principle, because it was an attempt to transfer, to the shoulders of those willing to bear the burden, a public duty which should be of universal obligation. The pay of the Soldier and Militiaman represented the contribution towards the public defence of those who did not give their personal service; and the continual applications on behalf of the Volunteers for assistance from the State proved the unsoundness of that mode of treating them; while every contribution from the public purse destroyed the essential characteristics of the force, and rendered them a burden on the public treasury, without giving the Government that control over them which it ought to have over all forces for which it paid. He was about to make a remark which might subject him to some obloquy; it was not a speculative one, but was founded on his own observation, and the subject was far too important to be dealt with merely in complimentary phrases. His experience was that the original voluntary nature of the organization coloured the whole tone and character of the force, and prevented the growth of that feeling of implicit obedience and complete subordination to authority which lay at the foundation of all military efficiency. To his mind the Volunteers were a reproduction in another form of the feudal array of the Middle Ages, and of the voluntary armies which in the early part of the last century used to follow the Highland chiefs to battle—such troops, as history informed us, were never found capable of bearing the strain of a protracted war, and were never efficient when brought into collision with regular troops. Another reason against treating the Volunteers in this manner was that their services would never be required except in the case of actual invasion. Now in such an emergency it was of the utmost importance to keep, in the highest degree of working order, all the public Departments—especially the locomotive, the intelligence, and the supply services of the country; and he believed a large portion of the Volunteers belonged to that class of society who could not be spared under such circumstances from their ordinary vocations, and who would really be performing more efficient service against an invader by discharging their civil functions than if called out for military service. By all means let us, if we would, encourage volunteering as a means of developing the martial spirit of the country, and of creating a very useful auxiliary force in time of war; but we should not reckon them as part of our standing force or as a distinct military organization in substitution for more regular troops. This was the last branch of the military force of the country enumerated by my right hon. Friend. Now, the general estimate he (Lord Monck) had formed of our defensive forces was this — We had a highly efficient but small regular Army, and all our supplementary forces were in such a state, from imperfect organization, training, and armament, that it would be simply madness to expose them to collision with the highly organized, highly trained, and well armed troops which might be brought against them by foreign nations in large numbers. It was some satisfaction—though he must admit it was not a pleasing one under the circumstances—that one of the most distinguished and experienced officers in the British Army, Sir John Burgoyne, had, within the last few days, published a pamphlet on our defensive force, which he had only seen within the last forty-eight hours; and the conclusion to which that distinguished officer came with regard to the condition of what he (Lord Monck) had called the supplementary force, was precisely the same as that he had announced to their Lordships, Sir John Burgoyne's statement being that they would require embodiment for, at least, a year or two before it would be wise to trust them in collision with an enemy. This being the character of the article we bought, he now turned to the price we paid for it compared with that paid by other nations. In France the military expenditure for last year was £14,953,431, being an average for each soldier of the standing Army with the colours of £37. Including the Reserves, the average cost was less than £20 per man; and including the National Guard Mobile, £11 per man. In North Germany the military expenditure was £10,175,444, giving an average for the standing Army of £33 per man; while, including the Reserves, it was £13 per man; and including the Landwehr £10 per man. In this country the estimated net charge, deducting all probable or contemplated receipts by the War Department for the current year, was £12,795,400, giving an average for the regular Army of £100 per man; including the Reserves, £80 per man; and, if all forces were included, of £30 per man. Thus against £37 in France and £33 in North Germany, there was £100 in England; against £20 in France and £13 in North Germany, £80 in England; and against £11 in France and £10 in North Germany, £30 in England. These figures spoke for themselves, and needed no commentary. Of course, the power of conscription gave great advantages in reducing the pecuniary cost of an Army; but, instead of sittting down contented with this excuse for so enormous a disparity, ought we not to consider whether the principles on which our system was based were such as to insure economy; and should we not try, by increasing in every way the moral attractions of the Service, to diminish to the utmost extent the price we had to pay? That pecuniary cost, moreover, was not the only price the country paid for the maintenance of its Army; for there was the pressure on its resources produced by the withdrawal, during a portion of their lives, of a large portion of its able-bodied population from productive industry; and we had also to consider the effects on the Soldier himself and, through him, on society at large, of withdrawing him from his home and relatives for so long a period as was imposed by the conditions of our Service. These influences evidently varied in their intensity according to the system adopted for recruiting and management; and this brought him to a comparison of the different methods pursued in the three Armies which he had been reviewing. The English might be called the long-enlistment system; for, though, of late years, ten years' enlistment had been sanctioned, our policy had always been to encourage re-enlistment; and it had been shown by the illustrious Duke who commanded the Army, in his evidence before Lord Hotham's Commission of 1861, that the period of ten years, while too long to secure to the soldier the moral advantages resulting from restoration to civil life at an early age, was too short to maintain the strength and efficiency of the Army without large annual draughts of recruits. In fact, the English system combined the evils both of the long and short-enlistment system, without securing the advantages supposed to be derived from either. The effect of this system on numbers was that it could not give us the command of a large force. With regard to efficiency, he thought the prevailing opinion was that the efficiency of an Army was not promoted by keeping men in time of peace for long periods of service. The system was necessarily expensive, for a man being kept in the Army during the best portion of his life, he had not only to be paid for that period, but to be provided with some maintenance when he left it; and it pressed heavily on the industry of the country by withdrawing for the best portion of their lives the whole of the men devoted to military service. Its effect, too, on the individual soldier was demoralizing in the extreme by its practice of enforced celibacy, by the monotony and weariness of a soldier's life, and by withdrawing him during the best portion of his life from the influences of home and of the family. The greatest contrast to this was the system of short enlistments, which sought to diminish the pressure of military service by diffusing it over a large mass, and thus equalizing the burden over the whole community. The nearest approach to this system was that of France, where a soldier serves for five years in the regular Army and four years in the Reserve, after which he passes into the National Guard Mobile, becoming practically a Militiaman. This, like the long-service system, drew a "hard and fast" line beyond which it could not reach, the numbers being confined to the men in the ranks; but it was more likely to produce efficient soldiers, and it certainly pressed less severely on the industry of the country and on the habits of individual men. Whatever their merits or demerits in other respects, these were essentially systems of large standing Armies—for the absence of any principle of elasticity, and the impossibility of expanding the force in times of emergency necessitated the keeping up, if efficiency was desired, of a large body of men constantly with the colours. The third system was one of long engagement and short actual service. It was best exemplified in the Prussian military system. A soldier served three years in the Army, four years in the Reserve, nine years in the Landwehr, with liability to be called out for service in the regular Army in time of war, and then, up to fifty years of age, was enrolled in the Landsturm, being only called upon for service in case of invasion. Practically, he was dismissed to civil life at the end of three years' service in the regular Army. This system, when it had been some time in operation, obviously gave the disposal of large numbers of trained men, and by making the Army in time of peace a military school for the population, as also by its expansive powers, enabled the country to keep its standing Army in time of peace at a much lower strength than either England or France. It pressed lightly on industry, for it withdrew men for only a short time from industrial occupations; and, so far from being injurious to the individual, it was calculated to be beneficial, taking men at an early period of life, when they were capable of receiving impressions, and keeping them just long enough to inculcate habits of order, discipline, and regularity, without retaining them so long as to destroy their capacity or taste for civil life. In a country like Prussia, which in time of peace required no foreign service, this system combined all the elements of efficiency and economy, and though not applicable in its entirety to England, it furnished hints for materially improving the condition of our military force. The obstacles to the complete adoption of the Prussian system into our service were principally under three heads — first, our colonial service; secondly, the purchase system; and, thirdly, the necessity of maintaining a European garrison in India. He hoped, however, that the first obstacle would be very soon swept out of our path, and that detached military stations and posts might be provided for without drawing on the ranks of our regular Army. In justice to the colonies, and in order that they might be able to place themselves in a condition of self-defence, they should be explicitly informed that the withdrawal of troops now going on resulted from no spasmodic effort at economy, but from deliberate policy; and that in time of peace they must, under no circumstances, expect to see an Imperial soldier within their limits; while in time of war Imperial troops will be handled and distributed solely with reference to Imperial strategical considerations, and will be sent to a colony in the event only of its becoming the theatre of the decisive contest of a war. All local disturbances in time of peace, and desultory attacks in the nature of a diversion in time of war, must be met, they should be given to understand, by colonial forces. With respect to the second obstacle—the purchase system—he was not about to argue the question, but merely mentioned it because he believed it to be intimately connected with the difficulty of obtaining recruits. There were but two ways of obtaining recruits—compulsion and attraction; the former being the system which had always prevailed on the Continent, while the latter was that which we had hitherto adopted. He should be sorry to see the introduction in this country of a compulsory system; and no one had a right to argue for its necessity, until he showed that all means of rendering the service attractive had been exhausted. Now it was absurd to say that those means had been exhausted, when we maintained a system which practically debarred from all the prizes of the service the great body of men who entered it. The partial discontinuance of the system was recommended more than ten years ago in the Report of a Commission bearing the signatures of Somerset, Stanley, Sydney Herbert, De Lacy Evans, Harry D. Jones, and George Carr Glyn. In arguing this question it was always assumed that the officers of the Army generally were opposed to the abolition of the purchase system. Now, he had taken the trouble to read the evidence taken before the Commission to which he had referred, and he found that such soldiers as Lord Clyde, Sir Duncan M'Dougall, Sir De Lacy Evans, Lord West, Sir James Scarlett, Sir John Franks, and General Spencer, and other distinguished officers, all gave their evidence before the Commission against the continuance of the purchase system; and he was sure that the experience of their Lordships would suggest to them the names of numerous intelligent officers of their acquaintance who were opposed to the continuance of the system. It used to be a stock argument against the abolition of purchase that no scheme had ever been proposed to carry it into effect. That argument, however, was no longer open, because there was laid before the Commission a most able scheme for the abolition of purchase in connection with the general re-organization of the Army. That scheme was elaborated by an hon. Friend of his, whom he thought it was no flattery to call the greatest master of the principles of administrative organization that England possessed — he meant Sir Charles Trevelyan. That scheme was based on the same principles which, chiefly through the instrumentality of his hon. Friend, had then been lately applied to the Civil Service of the country. The experience we then had of that system in regard to the Civil Service was not sufficiently long to render the argument very strong in favour of the scheme of his hon. Friend; but that system had ever since been in operation in respect to the Civil Service, and if he did not know that it was working satisfactorily and efficiently from other sources, he should derive that impression from the fact that the annual attacks upon that system in the House of Commons, which characterized its infancy, had of late years entirely ceased. As he said before, he did not mean to argue this question now; but he might express his opinion that, if service in the ranks were recognized as one of the ordinary modes of obtaining commissions, you would attract to the ranks a class of educated men who were now in vain looking out for a career, who would compose the working officers of the Army and whose presence in the ranks, while they remained there, would tend to raise the character of the entire force. The third obstacle to the introduction of what he conceived to be sound principles in our military organization was the necessity for maintaining our force in India; and he might as well at once admit that he did not think any application of the short-service system could be made to our Indian service; because no period of service longer than one of from three to five years would secure to the State the economic, or to the individual the social, benefit arising from the short-engagement system; and when you considered the great expense of constant reliefs, and the difficulty of obtaining the number of men for the Indian service, which would be involved in that short system, he feared it would be found impracticable. Another consideration was also worth mentioning. It was notorious that the large mortality among our Indian troops occurred chiefly among the soldiers just arrived from Europe. This mortality arose, not so much from the want of acclimatization as from ignorance, and the consequent neglect of those precautions in respect of exposure and diet, which were found to be so necessary in tropical climates. A system of frequent reliefs would, of course, increase the risk of this mortality, and, therefore, a long period of service, much as he disliked the principle, must be retained in India. From what he had said, then, the following principles might be deduced as those which should regulate our military system:—Any system which laid claim to the character of efficiency ought to give us the command of large bodies of well-trained troops, together with an organization which would consolidate into one body, and animate with one spirit, the whole body of the military forces of Her Majesty. Economy ought to mean the sparing use, not only of the money, but of the time of our population; and the conditions of service should be such as would interfere in the slightest possible degree with the ordinary social and domestic habits of the people. He had detained their Lordships an unreasonable time, but he had been acting the not very agreeable part of censor, and he did not think that any man had a right in public to attack a system — particularly a system of this kind, which was of such immense importance to the welfare of the country —unless he were prepared to undertake the responsibility of suggesting a mode of amending it. With their Lordships' permission he would now conclude by stating the mode in which he thought that a modification of the Prussian system might be applied to our own military forces. He took for the basis our Army, that portion which would be required for foreign service in time of peace, and which would consist principally, if not entirely, of our Indian garrison, and those of the Mediterranean stations on the road to India. He meant to illustrate his plan by a reference to the Infantry of the Line alone, because, though he thought the Cavalry and scientific corps might be dealt with on the same principle, their peculiarities might require some variations of detail. We have now, exclusive of the Guards, 110 regiments of infantry of the Line, including the Rifle Brigade. At 700 men each, these would give 77,000 men. The Infantry garrison of India now absorbed 45,416 men. Sixty-five battalions of 700 men each would give 45,500 men, leaving 45 battalions for the home turn of duty and for the Mediterranean stations. He took the latter service at 9 battalions, or 6,300 men. This would leave 36 battalions for home service, which might, if it were thought right, be reduced during their time in England to 500 men each. This portion of the Army would take its turn of home and foreign duty on the same plan that now prevailed; and its numbers would admit of seven years of European to twelve years of Indian service. To each of these regiments would be attached a second battalion, bearing, so far as the officers were concerned, the same relations to the first as were now borne by second battalions—that was to say, the officers would receive their promotion interchangeably from one to the other, and would all be liable to their turn of foreign service. Each regiment of the regular Army should be connected with a territorial regimental district of the country, and its second battalion should be permanently quartered in that district. All recruiting should be transacted by the second battalions; all recruits should be enlisted for twenty-one years. At the end of his second year of training, each recruit should be allowed to elect whether he would join the first battalion for the remainder of his period of engagement, or serve it out in the Militia. In the former case he would serve for another year with the second battalion, unless required for immediate service in the first. In the latter case, he would be released from further active service, being, however, still borne on the strength of the second battalion until his place should be supplied by the succession of recruits. After this he would fall back into the Militia of the district, receiving a small annual retaining fee, and being liable to be called out for a short period of training in each year. In the event of war, all Militiamen to be liable to be called out for general service, the liability being deferred as the men advanced in age. The actual strength of the second battalions should be maintained at 400 men, with full *cadres* of officers and non-commissioned officers, and with trained men borne on their books sufficient to raise them immediately to a strength of 1,000 men. In this way a machinery would be created by means of which, in a few years, we should pass through a course of regular military training a sufficient number of men to give us a large and efficient Militia; the number of men required for foreign service in time of peace would be largely diminished, and the difficulty of obtaining them proportionately decreased; and the system would have the effect of consolidating into one compact body the whole military strength of the country. It would give, in addition, in each regimental district, a permanent military school, to which might be attached for training the officers of the Militia and Volunteers, and by means of which the annual training of the Militia might be made easy to the men. In addition to the regimental divisions the whole United Kingdom should be mapped out into district commands, the officer in charge of which should have the control of all military forces within his district, subject to the central command of the Commander-in-Chief. The effect of the proposed alteration on numbers would be as follows: — Infantry of the Line.— Present strength: India, 45,416; at home and colonies, 68,023 — 113,439. Proposed strength: India, 65 battalions, 700 men, or 45,500; Mediterranean, 9 battalions, 700 men, or 6,300; at home, 36 battalions, 500 men, or 18,000 — 69,800. Reduction, 43,639. This would be a real reduction of the men required for foreign service in time of peace; but it would not operate to the full extent as a reduction of the charge for the Army, because it would be almost exactly balanced by the numbers which would be kept in training at the second battalions. A real saving, however, to the extent of about £1,000,000 a year would be produced by the abolition of the whole depôt system and recruiting establishments. He had begun his observations by saying that he would offer no apology for bringing the subject before their Lordships; but he felt that a large apology was due for the length of time he had occupied, and he begged heartily to thank their Lordships for the kindness with which they had listened to his remarks. He would only add that he should feel that he was amply repaid for any labour which he had bestowed on the subject which he had brought under their notice, if he should succeed, in the slightest degree, in contributing to the solution of a question which he believed intimately affected the honour of the Crown, the security of the country, and the efficiency and economy of one of the great branches of our public administration.

Lord NORTHBROOK: My Lords, I feel that my noble Friend who has just addressed your Lordships (Lord Monck) did not require in any degree to use those expressions with which he has concluded his speech, because I am sure none of your Lordships will differ from me when I say that that speech shows that he has considered this subject with very great care, and that in bringing forward the plan which he has laid before the House, and making the criticisms which he has made on the military system of the country, he has been actuated solely by a wish to throw all the light which the information at his command, and the thought which he has bestowed upon it, enables him to do, on a question which at the present moment excites great public interest. I quite concur with my noble Friend in the remarks he has made respecting the manner in which Her Majesty's Government have dealt with the subject he has discussed. He has stated with perfect truth that Her Majesty's Government, on assuming Office, as they did at the beginning of the month of December last, had, in point of fact, within a very few days afterwards to decide on the amount and nature of the Estimates for Army Expenditure which they should lay before the other House of Parliament; so that they could hardly have been expected to produce such a scheme as that, for example, which my noble Friend himself has sketched out, entirely altering the whole system of the Army and Reserves of this country. None of your Lordships can feel more deeply than I do the great difficulty of dealing with this question, both on account of the organization, and the nature of the different forces with which we have to deal. I therefore think my noble Friend has only done justice to Her Majesty's Government when he said that he could not expect from them such a comprehensive scheme as he would desire to see produced and submitted to Parliament and the country. But, although no such scheme was or could have been produced by them at that time, a decision was taken by the Government immediately on their assuming Office which, as it appears to me, has laid the soundest foundation for any further measures which may have to be introduced at a future time on this important subject. I allude to the decision which was arrived at by the Cabinet to concentrate in this country a very much larger force than has been at any previous time concentrated in the United Kingdom, by withdrawing several battalions of Infantry from the colonies. This seems to me to be at the root of any improvement in military organization; because the great difficulty which has been experienced both in enlisting men and in the management of the whole of our military forces, has been the necessity of providing reliefs for the Army in India, and the difficulty which has been found on many occasions, by those responsible for the administration of the Army, in giving a sufficient term of home service to regiments which have had to serve for a long period abroad. It is, therefore, I think, of very great consequence that the number of battalions of Infantry of the Line at home should bear a larger proportion to those engaged in service in the colonies and in India than has hitherto been the case. Comparing this year with the last, I may state that there are, or will be, 61 battalions of Infantry of the Line in this country this year, 28 battalions in the colonies, and 52 in India; making a total of 141 battalions. Last year there were 46 battalions at home, 43 in the colonies, and 52 in India; so that the number of battalions at home has been raised from 46 to 61, and that of those abroad diminished from 95 to 80. This is a step which, as I have said before, appears to me to stand at the root of any sound principle of Army organization; because, as my right hon. Friend the Secretary for War has said, what we require in this country is the complete *cadres* of regiments at a small strength, and to be able to recruit those *cadres* in the event of an emergency arising to the full complement they should possess. This leads me at once to the question—the real question at the bottom of my noble Friend's speech—namely, how is this to be done and what system of Reserve should be instituted in this country for the purpose of augmenting the *cadres* of the Infantry battalions in case of emergency? When my right hon. Friend the Secretary for War assumed Office he found in existence two classes of Reserve intended to effect this object. The first is called the first-class Army Reserve, which was intended to consist of men who had fulfilled the first term of their engagement and who afterwards enlisted for another five years for service in any part of the world. Of these men there were, at the beginning of the year, about 1,000. The other class of Reserve, which is called the Militia Reserve, consists of 2,700 men. They are Militiamen who, in addition to the extension of their Militia engagement, have volunteered to serve with the Army in any part of the world for five years, the two engagements running on *pari passû*. Now, I must ask your Lordships to bear with me while I endeavour to draw a distinction between the value of those two classes of Reserve. There is no doubt that' on many occasions, the Militia have been of the greatest service to the country in providing recruits for the regular forces; but, upon the other hand, there are several serious objections to depending entirely on a Reserve connected with the Militia. An obvious objection is that while you replenish your *cadres* of Infantry of the Line you for the time disorganize your Militia regiments by withdrawing men from the one force and putting them into the other. If therefore you depend entirely upon the Militia Reserve to recruit your *cadres* and you have the misfortune to require the whole forces of this country at home, you will be deficient of the number of men in the Militia regiments which you have added to your Line battalions. There is also another objection. It is of advantage, if possible, to avoid the complicated arrangements which necessarily follow from having men enlisting in the Militia under two parallel enrolments. If the Militia in this country is to be recognized as a Reserve for the regiments of the Line, I should be inclined, for my own part, to agree with the suggestion of my noble Friend, that all Militiamen should be enlisted subject to service in the Line, in time of war, rather than have any division of the force under different engagements. With respect to the other possible Reserve for the Line, it would be secured by expanding what is termed the first-class Army Reserve, as introduced by General Peel when he was Secretary for War, and connecting the first-class Reserve with a system of shorter enlistment in the Army—or, rather, by establishing a system of enlisting men to serve, say for twelve years, in the Army and in the Army Reserve combined, in whatever proportion might be deemed desirable—whether five years in the Army and seven years in the Reserve, or *vice versâ*. I think that, provided we could be sure that, in a reasonable space of time, it would be possible to carry out such a system as that, the Army Reserve so formed would be far superior in every respect to any other Reserve on which we could rely in this country for recruiting the *cadres* of the Line regiments. The great difficulty with which we have to contend in this matter arises out of the question whether we should be likely to get men for an enlistment of that kind; and that, of course, is a question which can be determined only by a trial of the system proposed. There are many reasons for believing that it would not be impossible to get the men. There is no doubt that since the addition to the rate of pay in the Army no difficulty has been experienced in obtaining recruits for the service. Considerable alterations have of late been made in consequence of the Report of the Recruiting Commission, and great improvements have been introduced in the mode of recruiting for the Army. General Edwards, who has paid great attention to the subject since he has occupied the position of Inspector General of Recruiting, has had a very considerable number of letters addressed to him from different parts of the country by men of some intelligence and education, requesting to be informed how they should proceed in order to join the Army. As your Lordships may be aware a change was lately made in regard to the sending of recruits about the country. They formerly used to be sent about the country as though they were culprits; but they now go without any guard at all, and it has been found that in no case, or, at least, in hardly any case, have they attempted to leave during their transit by railway or otherwise. It is also notorious that men who enter the Army often desire to leave it before the expiration of the present term of service—every year, indeed, about 2,000 men are prepared to purchase their discharge; and this fact tends to show that if the period of service were abridged we should be likely to obtain a larger number of recruits. My Lords, the great difficulty in the way of adopting a system of short enlistments is that which has been referred to by my noble Friend—namely the necessity of providing a large number of men for service in India. My noble Friend, in the course of his remarks, was obliged to admit that it would be necessary to have a longer term of enlistment for India, and therefore he found there was a great difficulty in joining any plan with respect to India with the scheme which he has explained to your Lordships. With respect, however, to one difficulty which was mentioned by my noble Friend, I am happy to say that I can remove it altogether. My noble Friend stated that the greatest mortality in India occurred among the young soldiers who had just arrived. Now that statement is totally contrary to the recent statistics of the Indian Army. So much, indeed, is it contrary to the statistics, that they show the fact to be diametrically the reverse. I have here an extract from the last annual Report of the Medical Director General of the Army, and it appears that the average annual number of deaths per 1,000 of Her Majesty's troops in India is, among men under 20 years of age, 7·11. Among men between 20 and 24 years of age the average rises to 16·19 in the 1,000; among men between 25 and 30 years old it is 25·64 per 1,000; among men between

30 and 34 years old it is 32·03 per 1,000; among men between 35 and 39 years old it is 42·78 per 1,000; and among men over 40 years of age it is 62·23 per 1,000. And the observation made by the medical authority on this point is that—

> "The rapid increase of mortality with the advance of age is a strong proof of the injurious influence of tropical service on the constitution."

It is found, therefore, that the longer a man remains in India the greater chance there is of his death; and, putting aside all questions of humanity, the greater is the expense to the people of India who will have to pay for a recruit to replace him. Now, my Lords, the same observation is correct even with respect to men who remain long in the Army in this country. Sir Charles Trevelyan has pointed out in one of his pamphlets on Army Administration, that, whereas in the case of men under thirty, the average annual rate of mortality among soldiers is less than the average rate of mortality in civil life, yet, the moment you get beyond that age—between thirty and forty and upwards—the average mortality of soldiers is greater than the average mortality of men in civil life. It would appear, therefore, that the Service loses by death a larger proportion of men who are above thirty or thereabouts. In dealing with this question, there is also a very important point to be considered—namely, the cost of the system of re-engaging men in the Army at the expiration of their first engagement, which re-engagement entitles them to pensions. It has been pointed out in an able Paper read before the Royal United Service Institution by Major Leahy, of the Royal Engineers, that, if you re-engage a man, it will be found, on taking into consideration the value of the pension to which he will be entitled, that he costs just twice as much as a recruit. That being the case, my Lords, and there being evidently very great advantages in having a Reserve of trained men who have passed through the Army, instead of a Reserve of men who have only received the training of a Militia regiment, which training must, of course, be of an inferior character to that of four or five years in a Line regiment — this being the case, my right hon. Friend the Secretary of State deemed it advisable that, before we adopt the Militia Reserve as the only Reserve for the Army, it should be ascertained whether some scheme cannot be devised whereby a system of shorter enlistments may be introduced, coupled with service in the Army Reserve. My Lords, it is a satisfaction to find that the opinion of my right hon. Friend on this subject has anticipated the strong expression of opinion in a similar sense which has been since given by the very distinguished officer to whose opinions my noble Friend has alluded, and whose opinions must be ever regarded by your Lordships with respect — Field-Marshal Sir John Burgoyne. He uses the following expression, which summarises the views which my right hon. Friend has expressed on this subject—

> "If the service in the Line could be made more palatable, so as to induce a more numerous and somewhat superior class to enter as soldiers, it would tend to the greater diffusion of a general military capability throughout the community; and this would be much increased if, instead of lengthening the periods of service, they could be much reduced, and if the soldier of some few years' regular training were again absorbed among the civil population and available in whatever shape might be thought best for the Reserve force."

I think the substantial reasons which can be urged in favour of the establishment of some such system as this render it worthy of consideration by your Lordships and by the country. One other word, my Lords, upon this subject. Sir John Burgoyne speaks of inducements to a superior class of men to enter the Army as soldiers. Now I consider this to be a subject of great interest and importance. The desirability of having our soldiers better instructed and employed in trades of different kinds in the course of their service, is a subject which, I believe, is under the consideration of the illustrious Duke the Field-Marshal Commanding-in-Chief at the present time. There is also another question which excites considerable interest among those who have paid attention to Army administration. It is believed that considerable inducements would be held out to respectable men to enlist in the Army if men who leave the Army with good characters, and who are intelligent, and good writers and accountants, were more made use of in the public offices than they are at the present time. We find that the Sappers can readily obtain employment after leaving the service; and it appears to me quite possible that matters may be so managed that we may hereafter have in the Line regiments men who, in like manner, on leaving the service, will experience no difficulty in obtaining employment in civil capacities. My noble Friend has alluded to the condition of the Militia. As I before remarked, when my right hon. Friend came into Office the attention of the Government was first called to the concentration of the forces at home by means of reducing the battalions in the colonies. My right hon. Friend's attention was next directed to the condition of the Militia, which has been rightly characterized by my noble Friend as the first Reserve in this country. My noble Friend called it "the first constitutional Reserve," and, indeed, the word "constitutional" is constantly used in connection with the Militia. I believe, however, that in this country no one force is more constitutional than another; that the Army is as constitutional a force as the Militia, and the Volunteers are as constitutional a force as either. With respect to the Militia, I think your Lordships will be of the same opinion as my right hon. Friend the Secretary of State in regretting that the novelty and popularity of that very valuable force the Volunteers should, for a time at least, have apparently detracted from the public estimation in which the Militia was formerly held. Because nobody can draw an invidious comparison between the two forces; they are totally distinct in their character — each has its own functions; and I am sure noble Lords who are connected with the Volunteers will not wish to detract from the merits of the Militia, while those noble Lords who are connected with the Militia will not wish to detract from the merits of the Volunteers. No doubt it was found at the beginning of this year that the Militia was exceedingly deficient in officers, and especially in subaltern officers. Of the establishment of 3,485 officers, which is the Staff of the Militia, there had only been appointed 2,138, and of these only 1,859 were trained last year. My right hon. Friend paid immediate attention to that point, and he took in the Estimates of this year a sum of £20,000, which it may be hoped will remedy some of the matters with respect to which Militia officers have had to complain. In the first place, the pay of regimental officers of Militia, of and above the rank of captain, during training, which had been by some accidental circumstance less than the pay of officers of the Line, has been equalized with that of officers of the Line. The grant to Militia officers of 1*s*. a day is obviously too small to enable them to pay for the necessary expenses of their mess. That sum has been raised from 1*s*. to 4*s*. Officers of Militia also find it very expensive, when put in quarters, to provide themselves with that moderate amount of furniture which is necessary for their comfort in addition to that which they find in barracks; and a small allowance has been given to officers when so situated. Some other changes have also been made. In the first place, officers of Militia have been allowed, with the consent of the Lords Lieutenant of the different counties, to exchange from one regiment to another, which has been represented to be a great advantage to themselves; and likewise, with the concurrence of the illustrious Duke at the head of the Army, the arrangement has been made that a step of honorary rank shall be granted to officers retiring from the Militia after a certain number of years' service; to field officers after twenty-five years' service, of which fifteen have been in the Militia; to captains after twenty years' service, of which fifteen have been in the Militia; and to lieutenants after twenty years' service, of which ten have been in the Militia. In addition to these alterations, none of which require legislative sanction, a Bill has been introduced, and will shortly come before your Lordships, which provides for two important matters connected with the Militia, and for one minor matter. The minor matter is, that it is proposed to do away with the property qualification now required for some ranks of officers. It appeared to my right hon. Friend that, after the property qualification for Members of Parliament had been abolished, it was hardly necessary to insist upon it in respect to Militia officers; and it has been represented as a bar, in some cases, to obtaining good officers to fill up vacancies in the Militia. The two important points are these— In the first place it is proposed to give power to Her Majesty to put the Militia, when out for training, under the command of general officers of Her Majesty's Army. By an accidental omission in our legislation, while the Volunteers can be placed under general officers, no power exists to place the Militia under such command unless they are actually embodied. The third provision included in the Bill is, that when there is a want of junior or subaltern officers in regiments of Militia called out for training, officers of the regular Army may be sent for a time to assist in training those regiments. There are several other questions relating to the Militia of very considerable importance. Perhaps the most important of all relates to the system of billeting; because those who know the Militia are, I think, of opinion that so long as that system is continued, it must be with very great difficulty that commanding officers of Militia regiments are able to keep their men under proper discipline during the time of training, and that it would be of the greatest possible advantage to the Militia if any method of getting rid of that system could be found. There is also, again—as has been pointed out by my noble Friend—the system of instruction for officers of the Militia. I do not know that the officers of the Militia have been complained of as ignorant of their duties: on the contrary, the Reports of the Inspecting Officers, in the course of last year, in regard to the Militia regiments have been favourable; and I can further say, from personal communication with officers upon whom I can depend to give an honest opinion on the subject, that the condition of the Militia is not that which was shadowed forth by my noble Friend. At the same time I am far from asserting that twenty-eight days' training will produce a battalion of Militia perfectly organized, and capable of immediately taking its place with the Infantry of the Line—that would be an exaggeration; but, nevertheless, I think that, if called out for service, the Militia would be found able, as they have been heretofore, to perform any duty that might be required of them. With regard to the efficiency of the Militia, I take the liberty of quoting the following words of a very high authority:—

> "If you begin with the formation of Militia corps under this Act of Parliament they will in time become what their predecessors in the Militia were; and if ever they do become what the former Militia were, you may rely on it they will perform all the services they may be required to perform."—[3 *Hansard*, cxxii. 731.]

On the 15th of June, 1852, that was the opinion expressed by the late Duke of Wellington, when the Bill for the establishment of the present system of Militia was before your Lordships, and I may add that they were nearly the last words spoken by that illustrious man in this House. As to the instruction of the officers of the Militia, it is quite possible that improvements may be introduced into the training and examination of those officers. At the present time there is a Royal Commission inquiring into the system of education in the Army, of which my noble Friend the Chancellor of the Duchy of Lancaster (Lord Dufferin) is Chairman, and of which I myself have the honour to be a Member. It is obvious that no system of schools of instruction, such as, I believe, has been instituted in Canada, could be introduced in this country with respect to Militia or Volunteer officers, until the question of the instruction, the training and the examination of officers of the Line has been previously decided. The key of the whole education of the Army must be the education of the Regular forces, and the Militia and Reserve forces must follow their lead in that respect. Therefore, until the Commission reports, it would be premature to establish any system for amending the instruction of Militia officers. The main point, I think, in the speech of my noble Friend—and I entirely agree in the observations that he made upon it—was that he wanted some organization in this country which will bring together the military forces, of whatever class they may be, and will, in times of emergency, enable them to act with promptness and with harmony. That is a subject to which my right hon. Friend the Secretary of State devoted his attention immediately after assuming the Seals of Office. The first thing which my right hon. Friend did with regard to it was to consult with the First Lord of the Admiralty and with his Royal Highness the Field-Marshal Commanding-in-Chief upon the general principles of our defence. And I must here venture to remind my noble Friend that in his admirable speech he made one most important and, I think, essential omission. The word "Navy," I believe, did not once fall from his lips. It seems to me that the whole of his argument—the whole of his comparison in respect to the condition of our forces with those of

France and Prussia — might have been sound if this country had been in the position of a Continental Power, with frontiers conterminous with those of other Powers. But when his argument comes to be applied to this island of ours, providentially separated and protected by a great natural defence from any attack from abroad — and not only protected by a great natural defence, but supported by a force in which now, as at all other times, we hold ourselves to be superior to all other nations in the world—the reasoning and the comparison fail—and the position which we occupy is one which renders it unnecessary for us to arm the whole population of the country, as other nations have, unfortunately, been almost obliged to arm their whole population, in consequence of the mutual armaments of their neighbours. My Lords, to resume — After settling and laying down the main principles of our defensive force, my right hon. Friend appointed a sub-Committee, which is now considering what military divisions should be made in this country, and what Staff organization should be established in those divisions for the sake of bringing all the forces of the country together. Now, my Lords, that organization appears to be perfectly indispensable in order that the forces of the country should be put upon a proper footing. At the same time your Lordships will be glad to hear that it is far from improbable that very great improvements in the organization of the Reserve forces may be made, and that there is also room for effecting no little economy when that improved organization is carried out. The noble Earl on the cross-Benches (Earl Grey), who has often addressed your Lordships with great weight upon questions relating to Army organization and the Reserve forces, has called attention several times to the expense occasioned by maintaining, in connection with the Reserve forces, a permanent Staff for the whole year, who necessarily are employed but for a very short time. Now, the cost of the permanent Staff of the Reserve forces, which I have on this paper, I will venture to read. There are no fewer than 717 officers and 6,391 non-commissioned officers, and the cost of pay and allowances for the Staff is, including clothing, no less than £491,000 per annum.

THE DUKE OF NORTHUMBERLAND thought there must be some mistake.

LORD NORTHBROOK: The noble Duke expresses some apprehension that I have fallen into a mistake; but I will give the particulars. There are 15 officers engaged in the inspection of the Reserve forces, at a cost of £8,425 per annum. In the Militia there are 290 officers and 4,776 non-commissioned officers, costing in pay, allowances, and clothing £287,250 per annum. In the Yeomanry there are 35 officers and 328 non-commissioned officers, and their cost is £19,191; and in the Volunteer force there are 291 officers and 1,163 non-commissioned officers, the annual cost being £154,950. Then the cost of the Staff of the Pensioners is about £21,200 per annum, so that the Staff of the Reserve forces alone costs, as I have stated, £491,016 per annum. But that is not all; for, independent of this Staff we have recruiting districts, and the pay, allowances, and clothing of those connected with them amounts to £26,934 per annum. Independently of that again, we have the Staff of the depôt battalions, who are, to a great extent, employed in similar duties, and their cost for pay, allowances, and clothing amounts to £36,030. Therefore, my Lords, if you add to the cost of the Staff of the Reserve forces that of the Recruiting Staff and of the Staff of the depôt battalions, which might be diminished by a different organization, the total cost per annum is no less than £553,980. I am not, my Lords, at this time going to propose any plan by which this Staff may be consolidated and economy enforced; all that I say is — that, with such figures before us, it certainly appears that, while greater efficiency might be secured, a considerable degree of economy may also be effected. I will now say a few words with respect to the observations which my noble Friend has made in regard to the Volunteers. My Lords, I think there is no officer of Volunteers who would assume, as my noble Friend appears to think they do, that the Volunteers ought to be regarded as part of the standing Army. From all that I have seen and heard among Volunteer officers and from my own feeling as a Volunteer officer of humble position, I do not think that the Volunteers ever supposed that they were part of the standing Army of this country.

We are quite content with the position which my noble Friend has given us of being valuable auxiliaries in time of invasion. The consideration of the position of the Volunteers was forced upon my right hon. Friend shortly after he assumed the Seals of Secretary of State. It will be in the recollection of some, at least, of your Lordships that Sir John Pakington, when Secretary of State, received a deputation of Volunteer officers, and communicated to them the decision of the late Government against an increase of the capitation rate to Volunteers. My right hon. Friend shortly after he came to the War Office received a deputation of the Volunteer officers, by whom the same request was made, and to whom the same reply was given. My right hon. Friend said that the view he took of the question was that it would not be right to give broadcast an increase of the capitation rate to the Volunteers; but if an increase was to be given out of the public taxes, such increase must be coupled with a comprehensive review of the whole position of the force; that it would be necessary in the first place that no more separate corps should exist than could be usefully established in any particular locality; that officers and non-commissioned officers should be appointed, not from social or other similar considerations, but because they were able to command men with efficiency; and, lastly, that some better test of efficiency should be afforded than the number of drills which were required, as the force was now constituted, to entitle a Volunteer to the capitation grant; and that more would be necessary than the small increase which was proposed by the Volunteer deputation as a kind of ultimatum. Now, this question of the Volunteers is intimately connected with that of the organization of the whole of the Reserve forces; and, therefore, my right hon. Friend proposes—after the Committee which is now considering the general organization of the Reserve forces has proceeded somewhat further towards the completion of that part of its work, and at the time of the Wimbledon meeting, when many of the Volunteer officers will come to London—to invite some of them to assist him in taking a comprehensive view of the position of the Volunteer force, which appears absolutely essential before Parliament is asked to vote an increase of the grant. I need hardly remind your Lordships that the money paid to the Volunteer force in one year is for services rendered in the year before; and, therefore, that, before the Estimates for next year are laid before Parliament, there will be ample time to mature any measures which may be necessary for the improvement of the force. It appears to the Secretary of State that it might be exceedingly desirable, if any increase is given to the Volunteers, to devote it more to enabling them to unite with the Militia and the Line, in order to train them practically to their duties, in smaller bodies than those which have been collected together at the great reviews. I have already said, my Lords, that I cannot accept the position which my noble Friend (Lord Monck) has taken in the course of his able speech in instituting comparisons between the position of this country, and such countries as France, Prussia, Austria, or Russia stand with respect to defence. I must refer, however, for a few moments, to the comparison which my noble Friend made as regards the cost per man of the Army and Volunteers of France and Prussia, as compared with that of the Army and Volunteers of this country. When I was in the other House of Parliament, when the Estimates were being discussed, I have constantly heard comparisons made between the cost of the French and English Armies; but I never found any possible point of agreement in which two people who took opposite views could meet. It is utterly impossible, unless you have every particular detail, and work the calculation out from top to bottom, to institute any sound comparison between the Estimates of the two countries. We are told that one English soldier costs £100 per annum; but in that £100 is included pensions of all kinds, the cost of fortifications, and of military experiments of all sorts, and many other matters which may or may not be included in calculations based upon the French Budget, but which require to be carefully considered before such a comparison can be accepted as fair. The fact is, we see our own defects, and our own expenditure is brought especially home to us; but when we come to discuss the expenditure of other nations there may be things which we do not know, but which they do; and therefore

I altogether take exception to the comparison which my noble Friend has instituted. But I will take him to one point which will show that he has been hardly fair to this country in his comparison of the cost of the French and English soldier. In making his comparison he calls the Garde Mobile soldiers, but excludes the English Volunteers.

Lord MONCK: I beg my noble Friend's pardon. I included the Volunteers, the Militia, and every other force.

Lord NORTHBROOK: If my noble Friend included them I am utterly at a loss to know how to make his calculations tally with the Army Estimates; because if all are included we should have 436,000 men—namely, 400,000 at home and 36,000 in the colonies, who also fall on the Army Estimates. But if you divide the Army Estimates, which, I believe, are £10,834,000, for the Effective Services, by that number it does not produce anything like the sum mentioned by my noble Friend. The calculation produces something like £25, instead of the sum the noble Lord mentioned. I cannot profess to go into the details of the calculations which he has made with respect to foreign Armies; but if they are made at all in the same way as his calculations respecting our Army, they may not be so unfavourable to our administration as at first sight they appear. Of course, my Lords, it is self-evident that if you have conscription, you can have a cheaper Army than you can get on the voluntary system. I was sorry to hear my noble Friend shadow forth a system similar to the Prussian. Conscription always bears most hardly on the working classes. As long, therefore, as we can get soldiers by the voluntary system, we should be doing a foolish and unjust thing to throw the burden of our military defence on our poorer fellow-countrymen. If you have a voluntary system the average rate of pay must be equal to the pay of artizans and labourers, and the Army cannot consequently be cheap. Besides this, everything in this country is dearer than on the Continent. I confess I was unable to follow my noble Friend completely; but, as far as I understand it, I must say that any system such as he proposes, which would establish a different system of enlistment for the service at home and service abroad, would involve great, if not insuperable difficulties. His system contains a fault common to many of the systems which have been designed of late with a view to reform our Army organization. One Paper, read by Mr. Cole, which gave rise to a very interesting discussion at the Society of Arts, was based upon the proposal to leave India entirely out of the question; and some other schemes have been designed in forgetfulness of the fact that we have to provide an Army for India. I trust, by the way, that whatever scheme may be adopted for the organization of the English Army, we shall not revert to the system of having a local European Army in India. When the local Army existed, I was strongly against it, and now that it has been abolished, I deprecate any change which would restore it. I believe it to be an unsound system for the maintenance of the British supremacy in the East. My noble Friend has more than once referred to the views recently expressed by Sir John Burgoyne. But the name of Sir John Burgoyne brings me back to the time when a celebrated letter was written by him, at a period when there was some anxiety, as there is at present, respecting our home defence. It will be some satisfaction to your Lordships to compare the state of those defences then with their condition at present. In 1851, the regular forces numbered some 67,500; of Militia there was only a small permanent Staff of 700 men, and there were 15,500 Pensioners, &c. We had altogether 84,000 of those forces, besides a Yeomanry force of 14,600 men, but no Volunteers. In 1869, we have 92,000 Regular Army, 83,000 Militia, actually trained, independent of those who will be called out for training this year, and 24,000 Pensioners, &c.; giving a total of 200,000 as against 84,000 in1851. If you take the Infantry of the Line, you will find that we had only 43 battalions in 1851 at home; now we have 61: in 1851, we had only 5,000 Artillery; this year we have 18,000: in Volunteers we had only the Yeomanry against 170,000 "efficient" Volunteers. Therefore if we stood alone on the comparison of the Regular and Reserve forces in 1851 and at the present time, we have the satisfaction of knowing that we are in a far superior position to that in which we then were. But, in 1851, as was pointed out by Sir John Burgoyne, we had no system of fortifications. At this time, we have perhaps the most admirable system in the world rapidly advancing to completion. We have also a means of defence which did not exist in 1851 — I refer to the floating mines or torpedoes. This species of defence has attracted great attention, and there is no doubt that torpedoes will form a powerful auxiliary for the defence of harbours in the future. Look how the system developed during the progress of the American War. In 1862, there was only one vessel destroyed by them; in 1863, there were two; in 1864, ten; and in 1865, twelve. Twenty-five Federal vessels altogether were destroyed, and nine injured by torpedoes during that war. My Lords, the introduction of steam, so far from being a weakness, has been a great addition of strength to this country; improvements in artillery have been a strength to us; and torpedoes will give additional strength to the defence. The policy of the Secretary of State and the Government is to concentrate the forces in this country; as far as possible to establish such a system of Reserve as to enable the battalions of Infantry to be raised at once in case of necessity to war strength; and, at the same time, to organize such a system of military administration throughout the country as will unite, as far as possible under one command, for purposes of organization and control, all the different forces which now have no connection one with the other, and enable them to be used with the greatest advantage whenever necessity shall arise. I feel sure that my noble Friend will give credit to the Government for having taken up this question, not in a perfunctory spirit, but with the determination to go to the bottom of every portion of our military system, and not to be satisfied until those defects which now exist in certain portions of that system are remedied, and that such an organization is adopted as will enable us to recruit our Army with promptitude when it is desired, and to have all the defensive forces of this country in the most efficient state if, unfortunately, we should be called upon to demand their services.

THE DUKE OF CAMBRIDGE: My Lords, it is not my intention, after the able speeches we have heard from the Under Secretary for War and my noble Friend who introduced the subject (Lord Monck), to take this opportunity of going into the details of a question of such importance and breadth, as there will, no doubt, be other opportunities of discussing it. It will, however, be right for me to say a few words and to warn your Lordships and the country that this grave question is one that ought not to be disposed of hastily, but which ought to be decided after the most serious consideration, after the fullest investigation, and after you have exhausted all the information it is possible to obtain. From the observations made by my noble Friend who introduced this question, I thought he was going to conclude with a proposal for the introduction of conscription into this country—for all his arguments and views were in the direction of conscription; but I do not believe that either your Lordships or the country are at all prepared for such a proposition, and I am certainly the last man who, from a military point of view, would urge the resort to conscription in this country. At the same time I admit that conscription is, of all measures, that which makes military organization most simple and easy. I agree very much with what fell from the noble Lord the Under Secretary with respect to the unintelligible character of the figures of the noble Lord who introduced the question. I did not understand the noble Lord's figures; but, supposing they are correct, I contend that the whole question is one of conscription, and that the question of expenditure rests entirely upon conscription. If you have conscription, you can force a man to serve you for nothing. What is the question with us? It is entirely one of the labour market. You must go into the labour market and make it worth a man's while to serve you as a soldier in preference to following any trade or profession. This is a matter of pounds, shillings, and pence; and men cannot be got without expense. A man will not come into the Army merely for the pleasure of serving you; he comes for the advantage it is to him. The greater the advantage in money and money's worth, the more easily will you get recruits. This is a question of finance and of comparative expenditure, and on every one of these points it is an absurdity to compare our Army with any other Army which is a conscript Army. The only Army you can compare ours with is one formed like the

American Army, only a small portion of which is a standing Army. We must be prepared, under any circumstances, for a considerable outlay, and we must not compare our outlay in these respects with the outlay upon the Armies of France, Russia, or Prussia. Ours is not a conscript Army, and that is really at the bottom of the whole question in that respect; and the same as regards enlistment. If my noble Friend can assure me that we can get men to serve without a pension, I shall be glad to hear it; but, so far as my convictions go at present, they are very strong in the direction that the pension is a great inducement to men to enter the Service. No arrangement you may make is of any use if it will not produce the men; if you can produce the men, that is what is required; but if you cannot produce the men, the ground is cut away from under your feet. Recollect this is a voluntary service, and if you adopt a system which will not bring the men, you are checkmated. Therefore, whatever we do, we must obtain the men, and any change introduced must be introduced in such a manner that we shall be sure of the result before the change is made. I am under the impression that there may be an attempt made to introduce enlistment for short periods; but I do hope, at all events, that there is no intention of giving up the present system of enlistment before you are sure of the result of any new experiment. I would say let short enlistment be tried *pari passû* with the present system; and if you adopt that course you will lose no men. Another important point is that of enlistment for India and for colonial garrisons. I cannot conceive of any system of enlistment answering which makes a difference between enlistment for foreign and enlistment for home service. Such distinctions lead to endless confusion and inconvenience, and involve injustice even to the men themselves. Following up what has been said by the noble Lord the Under Secretary, I can only assure the noble Lord (Lord Monck) that Her Majesty's Government are perfectly alive to the necessity of having this subject most exhaustively inquired into, and that every endeavour is being made to see how the Reserve forces can be brought into relation with the regular Army. If any arrangement can be made—and I have no doubt it can—by which that desirable end can be attained, I am sure that not only Her Majesty's Government, but all military authorities, will see with great satisfaction any such proposal judiciously carried out to the fullest extent. As to Reserve forces, to which reference has been made, I quite agree that if you could get Reserve forces that are not connected with the Militia, or any other body, it would be a great advantage; but the question is, how to get them? Can you get them? My impression is you cannot. If we can get them, by all means let us do so; let us try a system of raising the Reserve forces without its having anything to do with the Militia, and let us also continue to try the scheme of a Militia Reserve introduced by General Peel. I believe if that measure were systematically carried out it would work well, that there would be no difficulty in getting the Reserve men from the Militia, and in filling up the Militia regiments which supply men for the Reserve, and that the working of the measure need involve no disorganization of the Militia force. I entreat your Lordships to reflect, and not to be hurried into making any organic change in the recruitment of the Army—an Army which I think all your Lordships will admit has, under all circumstances and on all occasions, proved itself worthy of the country, and which has done its duty in a manner which ought at least to be borne in mind when you propose to make a grave and serious change in its organization.

Earl De La Warr said, it would be early enough to express an opinion on the various schemes which had been propounded when any of them had taken the shape of a Bill. It was satisfactory to observe that the Government was at last entering boldly and earnestly on the path of military reform, and that it was prepared to give more attention to questions of military organization than its predecessors were supposed to have done. He did not agree with the proposal to curtail the period of enlistment in the regular service, and he believed that to dispense with the lengthened service which those who now entered the Army gave freely and voluntarily, would deprive the Army of strength, power, and stability, which it would be impossible to replace. If our battalions were composed of men of two years' instead of seven or eight years' service, we should miss those whom the Duke of Wellington called the backbone of the Army when the stern ordeal of battle had to be gone through. If, therefore, we were to make the experiment of passing soldiers rapidly through the ranks, consigning them to the Militia and afterwards recalling them to their colours in time of war, let it be tried first with only a few regiments of the regular service. He believed that the services of the men we now had were cheaply purchased at the cost of the pension they were entitled to on their discharge. He admitted that the cogency of these arguments depended on the truth of the postulate that prolonged training produced increased efficiency. Many denied this, but he believed the majority would affirm it; and on this point an able military writer of the day said—

> "It was the fate of the writer to be once with one of England's greatest soldiers, now no more, in a distant land during the mutiny of an army and the revolt of a people, and nothing struck him so much as the deep anxiety of that veteran chief, who was literally grown gray in war, to obtain even one regiment of old soldiers whom he knew and on whom he could rely, and the perfect tranquillity which came over him when he did obtain it."

The preponderance of opinion was, he believed, in favour of service not much shorter than what now prevails — at least among all who had seen troops in action and in the field. Instead of dispensing with the services of those whom he would call professional soldiers, mainly with the view of saving the pensions to which they were entitled on discharge, the Government should try to devise some plan equally acceptable but less costly to induce our soldiers to remain in the ranks; and then the bulk of our Army would continue to receive that lengthened training which would be of incalculable value if ever they were called upon to take the field.

The Earl of DALHOUSIE: I wish to make a few remarks on this subject, particularly as I differ to a considerable extent from some of the propositions of the noble Lord who has just sat down (Earl de la Warr). I think we have lost sight in this discussion of the main object for which it was brought on. It appeared to me to be instituted for the purpose of endeavouring to arrive at that which is really wanted in this country—namely, the best mode of establishing an Army of Reserve. I think that Her Majesty's Government have pursued a right line in the direction of military organization. I think that they have been quite correct in withdrawing, as far as possible, the troops of the Line from service in the colonies. They have also done quite right, while maintaining at home a larger force than existed last year, in distributing that force throughout a greater number of regiments. They will thereby be able to reduce those regiments into distinct *cadres;* and the question that then arises is how these *cadres* are to be best filled up on an emergency? Now, my opinion is that these *cadres* ought to be filled up by men who have passed through the Army itself. It is quite true that that principle was tried by those who originally framed the Short Service Act, which I had the honour of carrying through this House. At that time it was believed that, after a service of ten years in the Army, we should induce the men to take their discharge, and to fall back into the Army of Reserve. It turned out that that plan did not succeed except to the most trifling extent. The same want of success attended General Peel's suggestion; and I consider, therefore, that the attempt to form an Army of Reserve upon either of those principles is perfectly futile. But I do think, if it appears to Her Majesty's Government to be advisable, that an Army of Reserve may be formed by shortening the period of enlistment, and making the entry into the Reserve compulsory and not voluntary. I think that if men were enlisted for twelve years, and seven, or even five, of those years were passed under the colours, and then the men were sent at once to form a nucleus of men available for future service, that would be the most efficient Army of Reserve you could obtain. From that body of men I would fill up the *cadres* of regiments when necessity required; and in the course of time I have no doubt that that Reserve might amount to some 30,000, 40,000, or even 50,000 men, and in case of need you would be sure of being able to fill up your regiments to their proper strength. Moreover, let me point out the immense economy of such an arrangement. When you enlist a man for twelve years, and say that he needs only serve five or seven years under the colours, you get rid at once of all married soldiers. Such a thing as marriage in the Army would then be unknown, and the enormous expense of the transport of women and children would be altogether saved and avoided. With regard to regiments sent to India, it has occurred to me that they might be sent out there stronger in numbers than the regiments you would send to your colonies—containing say, 1,000 men. I would allow these men to drop down to 400 or 500, as they naturally would in the course of five or seven years' service; and there would thus be a large saving of expense in sending out reliefs. I believe that the change I have suggested would make the service much more popular than it now is. If, however, an Army of Reserve is established upon these principles, care must be taken that those who have passed through the Army should not forget the drill they received while they were in it. This could be done by calling them out as the Pensioners were called out. With regard to the Militia, I think it ought to constitute a distinct force for the defence of the country in time of war. I would not allow it to be drawn upon in any manner whatever for the recruiting of the regular Army; but I would enable it, by an Act of Parliament to be obtained upon the emergency, to volunteer by whole regiments for foreign service if the necessities of the country demanded such a measure. As to the Volunteers, I only hope that Her Majesty's Government will never look upon that force as any other than a force to be used in the last extremity. The cry "The country is in danger" should be raised before the Volunteers are embodied under the Queen's Orders; and, while we attend to the proper training and exercising of that force, it is only upon a great emergency that they ought to be put side by side with the regular forces of the country and embodied under the Mutiny Act. In listening to the suggestions of my noble Friend behind me, I could not help being struck with the comparisons drawn between the Army of England and the Armies of the Continent. Now, as the illustrious Duke and the Under Secretary said, no comparison is possible between the forces of a country which is supplied by voluntary service and countries which are supplied by conscription. The whole tendency of military legislation in this country of late has been to render the Army more acceptable to the whole body of the community. I believe that efficient steps have been taken in that direction, and that the Government are disposed to go even further. But there was one point to which my noble Friend referred in opening this debate, and which the Under Secretary of State passed over, to which I beg to call your Lordships' attention. I do trust that whatever reforms Her Majesty's Government may be disposed to make with regard to the officering of the British Army, they will be most cautious how they meddle with the system of purchase. My noble Friend quoted the opinion of a French Marshal with regard to the character of our infantry. Now, I will tell him what another French Marshal said, when he came to see, in combination with the Armies of his own country, the English Army in the Crimea. He was at the head of an Army whose officers rose from the ranks, and who were in consequence always associated with the men whom it was their business to command; and he contrasted that Army with ours whose officers only exceptionally rose from the ranks, and where the system of purchase prevailed. He saw in one Army that the officers were zealous, painstaking, constantly anxious for the comfort of their men; and the consequence was that the men, seeing the deep interest which their officers took in them, obeyed them with alacrity, and executed the orders given to them with steadiness and zeal. On the other hand, in the French Army, from the constant association of the officers with the men, there was no respect on the part of the men for the officers; and Marshal Canrobert said to Lord Raglan—"Whatever you do, take my advice, and never alter the system which establishes the relations now existing between the officers and men in your Army." I trust that in all measures of Army reform to which Her Majesty's Government may direct their attention they will be cautious about meddling with a system which has proved to be of such advantage to our Army hitherto, and which will, I am quite sure, notwithstanding all that has been said against it, continue to give the British Army a system of officering to which no other system can come up. The whole of this question ought, in my opinion, to undergo careful consideration; but I am perfectly convinced that the result of that consideration, whenever the Government may deem it right to take up the subject, should not lead them to put two or three systems on their trial. Let them make up their minds as to what the best system is to adopt, and adopt it—for depend upon it if they put different systems on trial they will succeed in none, and the country will be no better provided to meet any contingency which may arise than it is at the present moment.

LORD TRURO expressed his opinion, as a Volunteer, that the Volunteer Force could never act effectively in this country except as an auxiliary to the Regular Army; and, at the same time, he urged that it was most desirable that the War Department should pay much greater attention than it had hitherto done to the organization, development, and equipment of the Volunteers, in order that they might be as efficient an auxiliary force as possible. The question which had been raised by the noble Lord who opened the discussion (Lord Monck) was, he might add, a very large one. The noble Lord very properly gave credit to the Government for having recalled from the colonies several of the regiments which had been stationed there; but he very much doubted whether this country would remain satisfied hereafter with a force of sixty-one battalions. As their Lordships were aware, there had always existed in England a very rightful jealousy of a large standing Army, and should those regiments be maintained at anything like their full complement, the present or some future Government might think it expedient to inquire whether such a force was one which, together with the Militia and Volunteers, the country required for its defence, or whether its maintenance was consistent with the scale of expenditure which ought to be incurred. When he heard the noble Lord speak of the battalions in this country being kept at a low strength he felt it would be an impolitic course to pursue to have merely the *cadres* of several battalions as proposed, and he should have thought that it would be more acceptable to the country to have a smaller number of regiments kept in a state of efficiency not to be surpassed. That, in his opinion, would be a much wiser course to adopt than to have a number of semi-regiments. The noble Lord had also drawn a comparison between our Army and the Armies of the great Continental States; but he could not help thinking it would be a great mistake to model the military system of this country, with all its idiosyncracies and peculiarities, on any foreign system whatsoever. As to the remarks which had been made about bringing the several forces of this country into harmony with one another, he would merely observe that, instead of troubling ourselves with a vast system of organization, the preferable course, so far as he could see, would be to bring to a state of the utmost perfection the several branches of our defences. He lamented that year after year reforms in that respect had been postponed; and he trusted, after the repeated inquiries which had been instituted into the subject, the Government would become alive to the fact that the country would no longer be content with allowing our defences to remain in their present unsatisfactory condition; and he trusted that another Session would not be allowed to pass without a remedy being applied. The question was one on which he had intended to make some further observations; but, owing to the lateness of the hour, he should postpone those observations to a future occasion.

LORD NORTHBROOK said, he wished to explain that for this year the arrangement for completing the *cadres* of the infantry battalions of the Line, which now stood at 560 rank and file, would be as follows:—The regiments of Militia would be invited to raise in the Militia Reserve a number of men which, on the whole, including the 2,700 now raised, would amount to 15,000, and that would enable the *cadres* of battalions of the Line to be increased, in case of war, from 560 to 800 men.

NORFOLK ISLAND BISHOPRIC BILL [H.L.]

A Bill to amend so much of the Act of the session of the sixth and seventh years of the reign of Her present Majesty, chapter thirty-five, as provides that Norfolk Island is to be part of the Diocese of Tasmania—Was *presented* by The Earl GRANVILLE; read 1ª. (No. 73.)

House adjourned at half past Eight o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 23rd *April*, 1869.

MINUTES.] — Public Bills — *Resolution in Committee* — Church Temporalities (Ireland) Commissioners [Advances].

Resolutions reported—Ordered—First Reading— Courts of Justice [Salaries and Funds] * [96].

First Reading — (£17,100,000) Consolidated Fund * ; Customs and Inland Revenue Duties * [95].

Second Reading—Naval Stores * [88].

Committee—Irish Church [27]—R.P.

Considered as amended—Newspapers, &c. * [66].

Third Reading—Militia [82], and *passed.*

NEWSPAPERS AND THE BRITISH MUSEUM.—QUESTION.

Mr. A. BASS said, he wished to ask the Secretary to the Treasury, Whether a copy of each edition of every newspaper published in the United Kingdom is purchased by the Inland Revenue Department for the use of the British Museum; and, if so, whether he can state the annual sum expended for the purchase, and the cost of carriage, receiving, assorting, and forwarding the newspapers to the British Museum, and also the use made of such newspapers by the authorities of that Institution?

Mr. AYRTON said, in reply, that the Inland Revenue Department had not been in the habit of making purchases of newspapers for the British Museum; but, under an Act passed some years ago to enable the Inland Revenue Department to collect the revenue on newspapers when they were taxed, newspaper proprietors were required to transmit copies to that Department, and the Department, after they had kept them a certain time, sent them to the British Museum. They cost the British Museum nothing, and they were preserved there in order that the public might refer to them whenever they desired. There was a very large collection of newspapers in the British Museum, and it was one of the most valuable parts of the Library. He had laid on the table a Bill for the purpose of making new arrangements, by which those publications would be sent direct to the British Museum at stated periods; so that the collection would be preserved and maintained as it had been hitherto.

THAMES EMBANKMENT (SOUTH SIDE). QUESTION.

Mr. GUEST said, he would beg to ask the hon. Member for Bath, Whether it is true that the Dock at Ferry Street, Lambeth, has not been made by the Metropolitan Board of Works, although ordered by the Act 26 & 27 Vic. c. 75; and, if so, the reasons for its not having been constructed; and, whether three docks have been constructed on the Thames Embankment (South Side) for private firms; and, if so, whether they have been made at the expense of the ratepayers?

Mr. TITE said, in reply, that the Act which authorized the construction of the Southern Embankment on the Thames was passed in 1863. It extended the Embankment from Westminster Bridge, opposite the Houses of Parliament, to a point somewhat beyond Lambeth. When it approached Lambeth it interfered with some docks and wharves belonging to private individuals, and also with a public draw-dock belonging to Lambeth. When they were purchasing the property the parish of Lambeth, through their Vestry, applied to the Metropolitan Board to induce them to abandon the re-construction of the dock, and construct a pier for the landing of steamboat passengers instead, and after much negotiation the Metropolitan Board of Works arranged with the Vestry, and these very important improvements were agreed to. They became law by a Bill which passed on the 13th of July last year. That Act repealed the clause to which the hon. Gentleman has referred, and authorized instead the arrangement of which he complained. The trade of two, not three, important potteries was carried on near that point, and particular clauses were introduced for their protection. The Board had endeavoured to arrange in every possible way for their accommodation, and the gentlemen principally concerned were constructing docks for the convenience of their trade at their own expense, not at the expense of the Metropolitan Board.

SEA FISHING BOATS.—QUESTION.

Sir HERBERT CROFT said, he wished to ask the President of the Board of Trade, Whether the words "sea fishing boat" in the Sea Fishery Act, 31 and 32 Vic. c. 45, are intended to apply to yachts which may be occasionally used in fishing?

MR. BRIGHT: Sir, the Board of Trade is not in a condition to place an authoritative construction upon the words of an Act of Parliament; but I may tell the hon. Baronet that it is not their opinion that these pleasure vessels were intended to be included, and I suppose I may say the same with regard to those small boats he has introduced into the Question. At this moment it is under consideration whether something shall not be done to exclude them. There are some other small points connected with the same subject and similar small classes of vessels; and by-and-by it is intended to except them by an Order in Council or Act of Parliament. I cannot give any answer more definite than that, but it will be sufficient to relieve the anxieties of those who have been put to inconvenience by that clause of the Act to which the hon. Baronet has referred.

RULE OF THE ROAD AT SEA.

QUESTION.

SIR JOHN HAY said, he wished to ask the President of the Board of Trade, When the remainder of the Correspondence on the subject of the Rule of the Road at Sea will be laid upon the Table; and whether he will agree to a Motion for the appointment of a Select Committee of the House to inquire into the causes of the loss of life and property at sea by collisions, and as to the possibility of a remedy by some modification of the existing Rules of the Road, so as to bring them into harmony with the custom of the sea and the decisions of the Courts of Law?

MR. BRIGHT: Sir, I am not aware that there is any Correspondence which it would be advantageous to lay before Parliament. There is a quantity of matter, consisting very largely of articles from newspapers, of a controversial and argumentative character, which it would be expensive to publish, and would be productive of no adequate benefit. But if the hon. Baronet would like to see them, he can do so by applying to the Board of Trade. With regard to a Committee, I think the House will see that to appoint a Committee would be to disturb a question which appears, on the whole, satisfactorily settled. When the hon. Gentleman himself was at the Admiralty, the Admiralty concurred in the arrangement which now exists; and if a Committee were appointed it would be to disturb what all the maritime nations of the earth, in conjunction with this country, have agreed to admit as settled; and, therefore, it is not the intention of the Board of Trade to recommend, nor would they be willing to consent to, the appointment of a Committee on this subject. With regard to the decisions of courts of law, I presume the courts of law will be obliged to give their decisions in accordance with the Act of Parliament or the Order in Council, which in this matter has, I believe, the same effect as an Act of Parliament. From all the advice I am able to act upon, I think it would be very disadvantageous to appoint a Committee, and disturb in this country by inquiry any question which all maritime nations at least believe to be satisfactorily settled.

PARLIAMENT—DISABILITY OF THE EPISCOPAL CLERGY.—QUESTION.

LORD HENRY THYNNE said, he would beg to ask the First Lord of the Treasury, Whether he will, in case of the passing of the Irish Church Bill, provide that the Episcopal Clergy shall be placed on an equality with their Dissenting brethren, by removing the disability to sit in this House now imposed upon them?

MR. GLADSTONE: Sir, I think that the noble Lord has put this Question to me under some misapprehension as to the actual state of the law. His question appears to rest upon the supposition that by the law of this country the clergy of established Churches are prohibited, or precluded, or disqualified, from sitting in this House, and that the clergy of non-established Churches are not. That, I apprehend, is an erroneous supposition. The fact I take to be this—that it has been ruled and decided that no clergyman in Episcopal Orders can sit in this House; but that is quite irrespective of the fact, whether he is established or non-established. No clergyman of the Episcopal communion in Scotland can have a seat in this House, although no person is more entitled to the character of a non-established than he is, for there were cures in

Scotland—not now, but some time ago—in which the regular income was so low as £2 a year. In the same way the Roman Catholic priest is disabled from sitting in this House; but I believe I am correct in saying that it has never been determined that the Presbyterian clergymen of the Established Church of Scotland cannot sit in the House. I do not give a definite opinion. This may be a fair subject for consideration, and I do not say that the disestablishment of the Church may not afford a proper opportunity for raising the question; but it is no part of the question of disestablishment and disendowment; and moreover, if it be raised, it cannot possibly be limited in its operation to the clergy of the Church of Ireland.

Afterwards—

Mr. GLADSTONE said: Upon further consideration, I wish to say that I am doubtful whether I was correct in saying that it had not been ruled that a Presbyterian clergyman of the Established Church in Scotland could not sit in the House of Commons. I think it possible, and may have been ruled. All that I stated with regard to the clergy in Episcopal Orders was, I think, quite correct.

PARLIAMENT—HOUSE OF COMMONS ARRANGEMENTS.—QUESTION.

Mr. HEADLAM said, he wished to ask the First Commissioner of Works, Whether the plans recently laid by him before the House for the alteration of the dining rooms will be engraved and presented to every Member of the House, or in what way they will be exhibited or made known to Members?

Mr. LAYARD said, in reply, that the plans would be rather expensive, but he had given directions to have them printed, as all the others had been presented to Members.

CATTLE PLAGUE—INFECTED SHEEP. QUESTION.

Lord ROBERT MONTAGU said, he wished to ask the Vice President of the Committee of Council, Whether he can give the House any further information concerning the two cargoes of sheep from Antwerp and Rotterdam which he had ordered to be slaughtered; and, especially whether any sheep from the same locality have been sold in the Metropolitan Market and sent into the country before the disease was discovered?

Mr. W. E. FORSTER, in reply, said, with respect to the two cargoes of infected sheep which had recently arrived at Harwich and London, he found he was mistaken in supposing that one came from Antwerp and the other from Rotterdam. The two lots of infected sheep formed but a small portion of the two cargoes, and they both came from the same owner on the Continent, who had divided them into different cargoes. His noble Friend was well aware that the present state of the law gave no power for compelling the owners of steamers that conveyed infected animals to disinfect those steamers. It was a difficulty that had been felt by the Privy Council, and which it was intended to remove by the Bill he had introduced. In the present case he was happy to state that arrangements for the complete disinfection of the vessels had been made with the owners. As to the cargo which arrived last Saturday he had made inquiries, and had every reason to believe that there were no infected sheep in it. He was certain that there were no sheep that came from the owner who had sent the two former batches of infected sheep.

THE O'FARRELL PAPERS.—QUESTION.

Mr. NEWDEGATE said, he would beg to ask the right hon. Gentleman the First Lord of the Treasury, When the Papers relating to O'Farrell, which the House had ordered, will be in the hands of Members?

Mr. GLADSTONE: I rise, Sir, to answer this Question, of which the hon. Gentleman courteously gave me notice, although my right hon. Friend (Mr. Monsell) the representative of the Colonial Department would perhaps have answered it with greater advantage. The substance of my answer will be to refer the hon. Gentleman to a Notice which has been given, and which I believe is already upon the Paper, in the name of my right hon. Friend, for the purpose of rescinding the Motion to which the hon. Member for North Warwickshire refers. The state of the case is this—that some time ago the hon. Member expressed to my right hon. Friend his desire that these Papers should be produced, and the close of the communications upon the subject was that my right hon. Friend declined on the part of the Government to produce the Papers; but understanding that they were Papers that had already been printed by order of a branch of the Colonial Legislature, he stated that, if the hon. Member chose to move for them, the Government would make no opposition. Since that period we have examined into these Papers, and have become aware of their character in two respects, which I will briefly state to the House. I do not speak of the whole of the Papers, but of the material Paper which the hon. Member has specially in view in his Motion. That Paper consists of a conversation between the convict O'Farrell and certain persons in authority in the Colony, which conversation was taken down by a shorthand-writer—the presence of the shorthand-writer being unknown to the convict. I own I think it is not our practice to obtain confessions or declarations of any kind from convicts, and report them under such circumstances, and I very greatly doubt the policy of unnecessarily associating ourselves with that proceeding. Of course, it is not for me to express any opinion upon the proceeding itself. There may have been perfectly justifiable cause for it; into that I do not enter, but I think there is no necessity whatever for our linking ourselves with it. Over and above that, undoubtedly, I find that the Papers were printed by order of a branch of the Colonial Legislature; but it appears that the printing of these Papers was a matter of very serious contention; it was very much contested there; and we do not feel, therefore, that that authority on the ground of mere fact is wholly conclusive. But when we look at the nature of the Papers, I do not hesitate to say that in these Papers is contained matter which it is contrary to our public duty as Ministers to be parties to laying before this House. That is a very decided statement. Our mind is quite made up upon it, and I fully believe that the House of Commons will place so much of discretion in the responsible attention we have given to the subject, that they will not press us under these circumstances for the production of the Papers. We are convinced their publication can be attended with no public good and advantage, and we mean to ask the House of Commons to test this question by the Motion which my right hon. Friend will submit for the rescinding of the Order which, on a less perfect knowledge of the circumstances, we assented to.

MR. NEWDEGATE: As the statement of the right hon. Gentleman may seem to impugn my judgment, I wish to mention that I communicated fully with the Under Secretary of State for the Colonies before I asked him whether the Government would grant these Papers, and he replied — "With the greatest pleasure," and I then moved for them. I wish to ask when the Motion for rescinding the Order will come on, and I may state that I am not prepared when it does come on to shrink from any responsibility which I have incurred.

MR. GLADSTONE: It is difficult to state the precise day, but I will take care that the hon. Gentleman has ample notice.

PARLIAMENT—BUSINESS OF THE HOUSE.

MR. GLADSTONE said, he wished to make an appeal to the hon. Member for East Suffolk (Mr. Corrance) to postpone the Motion he had upon the Paper on the existing state of Pauperism and Vagrancy in England, in order to allow the House to go into Committee on the Irish Church Bill. At the commencement of the proceedings in Committee, as well as upon the second reading of the Bill, he had stated to the House, in accordance, as he believed, with the suggestion of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), that it was the desire of the Government to induce the House to proceed from day to day with the Committee on the Irish Church, whenever it was felt that no matter of urgency stood in the way. It was of great importance that a Bill of that nature should reach the House of Lords, if it was to go there, in very good time in the Session, and, moreover, as many of the provisions were necessarily of so complicated a nature, they would be discussed at a great disadvantage if there was always to be an interval of three or four days between the several discussions. He had understood last night, indirectly, that the hon. Gentleman the Member for East Suffolk attached great importance to an early discussion of his Motion, and he had caused a communication to be made to him that he should be very happy to give him the first day at the command of the Government after the close of the proceedings in Committee on the Irish Church Bill. He thought that the hon. Gentleman would do well to accept this offer, for his Motion would be likely to be much more fully considered upon such an occasion than under existing circumstances. He would therefore propose to the hon. Gentleman that the Government should co-operate with him, and procure for his Motion the very earliest day that they could give after the Irish Church Bill was out of Committee on condition that he would kindly consent to withdraw his Motion now. He hoped that other Members who had Motions on the Paper after him would do the same unconditionally, and thus give the House the great advantage of taking up the thread of the discussion they were engaged in last night.

MR. CORRANCE said, that he must, in the first place, acknowledge the courtesy and kindness with which the right hon. Gentleman's request was made. He regretted that he was not in his place last night when this appeal was first made by the First Lord of the Treasury. He could not, he thought, be accused of throwing obstacles in the way of Public Business, considering that he had withdrawn this very Motion twice already to make room for discussions on the Irish Church; and, if he almost found himself unable to comply with the request of the right hon. Gentleman, it was because he had grave reasons to give for his reluctance. The first was this—he thought it would be admitted by the right hon. hon. Gentleman himself that it was inconvenient that there should be even the appearance of proneness to postpone great social questions affecting the poorer classes only to suit the convenience of the House. If another reason was wanting, it was this—by a Member of the Government—the right hon. Member for Birmingham—they had been publicly reproached with slackness in this very matter. And, in spite of the reference made to the right hon. Gentleman on the front Bench, he did not think that the withdrawal of his Motion would be agreeable to hon. Gentlemen on his own side of the House. He must therefore make a qualified promise. He would withdraw his Motion on these terms—that the right hon. Gentleman would

agree to fix a day, previous to Whitsuntide, for bringing it on.

MR. GLADSTONE assented. He would not fix it to-night, but he would take care to fix a day previous to Whitsuntide. [MR. CORRANCE made a gesture of remonstrance.] His object was to put the hon. Gentleman in a better position than he might otherwise obtain; because, after seeing the progress that might be made in Committee to-night and Monday, he might be able to fix an earlier day than if he were to fix it now.

MR. CORRANCE asked, whether he was to understand that the right hon. Gentleman would give him a day before Whitsuntide, whether the Bill were through Committee or not?

MR. GLADSTONE: Certainly.

MR. CORRANCE said, he would accept the offer of the right hon. Gentleman.

MR. GLADSTONE said, he very thankfully accepted the kindness of the hon. Member, and hoped that now he might be allowed to appeal to other hon. Members to take a similar course.

MR. GOLDNEY, said, he had a Notice on the Paper respecting the recently reported frauds of Mr. Benjamin Higgs, the book-keeper in the employ of the Great Central Gas Company. He would not stand in the way of the business of the House, but he wished to ask a Question respecting it of the right hon. Gentleman the President of the Board of Trade. The subject was an important one, as great losses had been sustained which were likely to fall upon the public; and it was the more urgent as a Bill promoted by one of the gas companies, and which had recently been passed by a Select Committee of that House made important changes in the state of affairs. The Bill of last year gave a controlling power to the Board of Trade, which had acted in a very beneficial manner. But in the Bill passed by the Committee last week that controlling power was omitted. Now he wished to ask whether, if he consented for the second time to postpone his Motion, the Government would support him in stopping any further proceedings with Private Gas Bills till he had an opportunity of bringing forward this question.

[MR. BLAKE, Sir HENRY LYTTON BULWER, Sir HARRY VERNEY, Mr. O'REILLY, Sir HENRY SELWIN-IBBETSON, and Mr. MILLER who had Notices on the Paper withdrew them.]

MR. BRIGHT said, he wished to state, in answer to the hon. Gentleman (Mr. Goldney), that from the best information he could obtain he was led to believe that the loss occasioned by the frauds alluded to would not fall upon the consumers. With regard to the general question, he believed that before long there would be an opportunity to bring the whole matter before the House.

MR. NEWDEGATE gave notice that on Monday he would ask the First Lord of the Treasury, when the Motion to rescind the Order of that House for the production of Papers in regard to O'Farrell would be brought on?

IRISH CHURCH BILL—[BILL 27.]

(*Mr. Dodson, Mr. Gladstone, Mr. John Bright, Mr. Chichester Fortescue, Mr. Attorney General for Ireland.*)

COMMITTEE. [*Progress 22nd April.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 18 (Compensation to lay patrons): — Amendment proposed, in line 4, after the word "ascertain," to insert the words "as hereinafter mentioned."—(*Mr. Goldney.*)

MR. GOLDNEY said, he would take up the question at the point where it was left the previous evening. What he wanted was the insertion of a rule that should lay down a basis upon which the sale of advowsons was to be carried on. Since last night he had had the opportunity of referring to the Returns in the Library regarding the sales of the small livings in the Lord Chancellor's gift, and he had also referred to the Act of Parliament by which those sales were authorized, and there he found, as he had expected, that the Act prohibited the sale of these livings at a price below a certain number of years' purchase. On Thursday he mentioned that, under Lord Westbury's Act, some had sold as high as thirty-five years' purchase. That was, no doubt, an extreme case, but they had all brought a price much higher than the minimum laid down in the Act of Parliament. He contended that the same kind of basis should be laid down in the present instance. The hon. Member for Waterford (Mr. Blake), had mentioned the case of an advowson, sold in Ireland, which realized a comparatively small sum, but he (Mr. Goldney) never meant to contend that the value of advowsons was as high in Ireland as in England. No doubt the Irish livings would realize a low figure, in consequence of the state of the country. His object was to fix the minimum number of years' purchase at which livings should be sold, instead of leaving it to the discretion of the Commissioners. Of course, the purchase money would be calculated —first by multiplying the income after deducting all outgoings by the number of years' purchase; and, secondly, by making a deduction for the life of the incumbent. He was not assuming that these advowsons should be valued at the same rate as in England, but he thought that some minimum value should be placed upon them. The only difference between this class of property and freehold property was that to the former were attached certain duties, the value of which was to be ascertained and struck off the value of the freehold. He begged to move the insertion of the words "as hereinafter mentioned," with the view of subsequently adding words which would carry out the object he had in view.

Amendment again proposed, in page 7, line 4, after the word "ascertain," to insert the words "as hereinafter mentioned."—(*Mr. Goldney.*)

MR. BLAKE said, that as the hon. Member (Mr. Goldney) had referred to him, he would give the House some important information with regard to the value of Irish endowments. The corporations of Ireland, as the House was aware, were in possession of several advowsons, and in particular the corporation of Waterford, of which he was a member, had several of these advowsons in their gift. It must be recollected that no sale by the corporation of an advowson could be carried into effect unless the Ecclesiastical Commissioners deemed the sum offered a fair equivalent for its value. He would read to the House some of these sales. There was the parish of Dunhill, the advowson of which was sold in 1863. Its value was £160 a year, and it sold for £300. There was one case which occurred seven years ago in the county of Kilkenny. The incumbent was over fifty years of age; the value was £260 a year, and the advowson sold for £1,000. The last they had sold was that of a parish, pleasantly situated on the other side of the river from Waterford. They had advertised it for a long time in the English and Irish papers without finding a purchaser. It value was between £200 and £300 a year, and it was at last sold for £800. He could assure the House that there was hardly an advowson in Ireland that was sold for more than four years' purchase.

MR. WALTER said, he wished to ask whether the right hon. Gentleman was in a position to inform the House what was the number of advowsons in Ireland for which compensation would have to be made under the Bill; and, further, upon what number of years' purchase that compensation would be based, and what sum would be absorbed by that compensation?

MR. GLADSTONE: Sir, I cannot answer the question of my hon. Friend the Member for Berkshire (Mr. Walter) in a way that will throw much real light on the subject, because the livings are so very various in their nature, and the deductions to be made from the value differ so much. The incomes of the smaller livings, for instance, are almost entirely swallowed up by the necessary outgoing for which deduction has to be made. The amount of the aggregate value of the livings will, therefore, give nothing like an idea of the real value of the advowsons. The sum that I take as being necessary to compensate for these advowsons is £300,000. That is a rough estimate. The total gross value of the livings in lay patronage is £48,000 a year; therefore the sum likely to be absorbed in compensation comes to six or seven years' purchase. As I am on my legs, perhaps it will be as well to state that we have employed our time, like the hon. Gentleman the Member for Chippenham (Mr. Goldney), in producing data on which to ground our plan. The difference between us is that he persists in producing precedents taken from the case of England, which are wholly irrelevant to the case of Ireland. In the case of England a vast number of persons buy these advowsons, which creates regularity in the market; but that is quite unknown in Ireland, where these sales are fitful and exceedingly rare. I have looked at the cases of which we are in possession, and I will give my hon. Friend a case, which will indicate to him how utterly inapplicable the English rules would be. In this case the living, which was sold in January, 1861, was worth £170 net, and the price for which it sold was £1,419, subject to a deduction of £297, or £1,121. That shows a price of about six and a-half years' purchase. I quote from 1861, because that was a sale not under the influence of any depreciation of landed property in Ireland. [An hon. MEMBER: What is the age of the incumbent?] The age of the incumbent is not stated. I will give the hon. Gentleman two other cases, in which the age of the incumbent is stated. They are later still, and entirely free from any influence of depreciation of landed property in Ireland. On the 25th of June, 1867, the advowson of the parish of Innishannon was sold. The gross income was £470 a year, and the net income £241. The age of the incumbent was fifty-five. The advowson was sold at £1,600—that is to say, about seven years' purchase of the income, without deducting the life interest of the present incumbent. In the same year and at the same period the advowson of Dunderrow was sold. The net annual income was £313, the gross £375; the age of the incumbent was seventy, and the amount of purchase money was £1,210 gross, £910 net, or a price of less than three years' purchase. I think that will show the hon. Member how vain it is to deal with these matters on the footing he proposes. In the 113th clause of the Church Temporalities Act there is a precedent much more available for his purpose, if he wants one, than any he can draw from English practice, where over and over again there was an interference with the value of advowsons, and power was given to Commissioners to compensate patrons in respect of any damage they might suffer in consequence of the changes authorized by that Act; but a maximum is imposed in these terms "so that such sums shall in no case exceed twelve years' purchase of the annual value." When we considered this matter my right hon. Friend near me (the Chief Secretary for Ireland) came to the conclusion that it was fairer to the patron that we should not insert that maximum. If a minimum value were to be introduced into the clause, it must be so small that it might just as well be omitted altogether.

MR. NEWDEGATE contended that the fact of advowsons in Ireland commanding fewer years' purchase than in

England was a stronger reason for fixing a basis on which the sales were to take place. What was the position of these advowsons now? The right hon. Gentleman announced his measure for the disendowment of the Church last Parliament. That, of course, depreciated the value of those advowsons and he took advantage of this depreciation, which was caused by his own act, in order to depreciate the value of the compensation. The right hon. Gentleman had referred to a clause in the Church Temporalities Act. The livings suppressed by that Act were attached to churches where there were no congregations or very small congregations. But even in those cases twelve years' purchase was assigned to them. The right hon. Gentleman deprecated the idea of taking even the maximum assigned by the Church Temporalities Act—which was notoriously an Act to suppress livings which had fallen into abuse—as the precedent on which he was about to act with reference to the advowsons of livings throughout Ireland. It was perfectly manifest that the right hon. Gentleman's calculations were based on a value depreciated by his own act. And to what purpose was the money to be applied? Why, to purposes which ought at present to be supplied by other funds derivable from local and Imperial taxation. This was confiscation again. It was worse than confiscation, because it was to apply to cases in which no abuse was proved or even alleged. Having had some experience of the Act for disposing of advowsons in the gift of the Lord Chancellor—having been a purchaser of one himself—he saw no difference whatever in point of justice between the case of the English advowsons and that of the Irish advowsons, except that the Irish advowsons might be worth fewer years' purchase, and he should adhere to the principle which was considered justice in the case of England in dealing with these Irish advowsons. Were we to look forward to the application of this principle to England? We were establishing a very wide and dangerous precedent, which depreciated property and took advantage of the depreciation in compensating those whose property was to be taken from them. If they assailed the stability of one kind of property it would affect the credit of every kind of property, and he believed the consequence would be that it would tend to the depreciation of property and the invalidity of public credit.

MR. CHICHESTER FORTESCUE said, the argument of the hon. Member would be a very strong one if it had any foundation whatever; but it was as visionary and baseless as a dream. The hon. Gentleman argued as if the Government were going to institute a system of forced sale of Irish advowsons at a value depreciated by their own act. Nothing could be further from their intention, and nothing could be further from the effect of this Bill. The Commissioners under the Bill, checked by a system of arbitration, would decide, in the words of this clause, what amount of compensation ought to be paid to the owners of advowsons. If any precedent was required for this mode of action it would be found in the first Church Temporalities Act, in which the value of private patronage was referred to, and in which a tribunal was provided which was precisely that provided by the present Bill. The Commissioners, in case of any disagreement, were to give the natural and normal price under any circumstances, utterly irrespective of depreciation of any kind: that was precisely what was done by the present Bill.

MR. HUNT said, he understood that there was arbitration in the one case and not in the other.

MR. CHICHESTER FORTESCUE said, the right hon. Gentleman was mistaken. There was a provision for arbitration in this Bill.

MR. NEWDEGATE said, he had founded his argument on the English precedent and the last Act passed for the sale of advowsons. He would ask, were they to establish a different rule for Ireland from that which existed in England? Were they to establish a different system of legislation founded on different principles for the two countries? If so, it would be far better that the Union should be repealed, and Ireland should have the benefit of its own rules of practice. What was the position in which the right hon. Secretary for Ireland had placed himself? He said that the Government meant to give the full value in all these cases—to act liberally. Now the Government were not asked to act liberally. English Members were as averse to placing in the hands of the Government the means of giving an excessive value as to give them the opportunity of giving an under value. They claimed for Ireland the same rule that was applied to England. He did not understand the modern system of Irish legislation, and did not wish to rob the present owners of advowsons in order to obtain the means of conciliating support.

MR. GOLDNEY said, the practical way of looking at the matter was to take the case of the owner of an advowson attached to his estate, and the profits of which came entirely from that estate. The advowson, in that case, was his freehold; but by the Act he would have to sell it, and, if the depreciating effect of the Bill were taken into view, the result would be that he might receive only six or seven years' purchase of the tithe rent-charge, while for the re-purchase of his tithe rent-charge he would have to pay twenty-two years' purchase.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 161; Noes 273: Majority 112.

MR. MACFIE moved, in page 7, line 5, after "corporate," to insert "who or which shall within three years therefrom make application in writing to this effect." The effect of the Amendment was to give compensation for advowsons only to those who should apply for it within three years after the passing of the Act.

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) said, there was no objection to that Amendment.

Amendment *agreed to.*

CAPTAIN ARCHDALL said, he rose to move, in line 10, to leave out "such person or body corporate," and insert "the corporate body hereinafter referred to as the representative body of the said Church," the effect of this Amendment being to hand over the compensation for advowsons to the Church Body instead of to the lay patrons who had previously possessed the advowsons. He said it might have been urged that this Amendment would rob the lay patrons of the compensation to which they were entitled, had it not been for the fact that the whole Bill was admittedly a measure of robbery and spoliation. It appeared, from the Report of the Irish Church Commissioners, that out of 1,516 benefices in Ireland the presentation to 309 of them was in the hands of trustees, corporate bodies, and private individuals; and, if they were admitted to be trusts for a religious purpose, it was but just to the country and to the Church that, when that trust ceased, whatever the compensation was made should be paid to the Church Body for the good of the Church and of the country. When they came to discuss the disestablishment of the English Church, this question of advowson would be found to be one of great interest.

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) said, he scarcely thought that the hon. and gallant Member, in moving his Amendment, thoroughly understood the effect of it. It was really one of the most formidable assaults on private property ever made, and was a proposition to take from all the lay patrons of advowsons in Ireland the purchase money of them and hand it over perforce to the Church Body. Was the hon. and gallant Member aware that advowsons, like estates, had been made the subject of family settlements; that there were tenants in tail with the remainder; and that infant children were interested in their proceeds? It was certainly a modest proposal to hand over the property to other persons. Such terms as "confiscation" and "spoliation" had been used against the present Bill; but the proposal of the hon. and gallant Member should be designated, if possible, by even a stronger word. Advowsons were the subject-matter of sale in the open market, and the present Bill, while taking away the right of presentation, would give compensation to the owners of the advowsons, whereas the proposed Amendment would deprive them of that compensation. Such a proposition struck at the root of all property. Moreover, the Amendment would have the effect of endowing over again the Irish Church in an indirect form, for the moment the Church was disestablished, it would be put, if the Amendment were carried, in possession of property which did not belong to it.

SIR STAFFORD NORTHCOTE said, he thought it quite refreshing to hear a condemnation of acts of confiscation proceeding from the authors of the present Bill. However, he did not think it possible for the House to support the Amendments, but he thought they might draw a moral from what had passed as to the different principles on which the Government proposed to treat one kind of right and another. What was the origin of an advowson? It was founded on an endowment given, in the first instance, for the benefit of the laity of a certain parish, for the sake of securing to them the right of public worship. In order to secure them that advantage a clergyman was appointed, and was provided out of the endowment with what was called a living. The nomination to the living fell by some means or other into the hands of some person, who thereby as patron acquired an indirect pecuniary interest in the endowment. The Government now said that they would do away with that which was the foundation of the whole affair—the right of the laity—without making them any compensation. With respect to the clergyman, compensation was given to him conditionally; that was to say, on the condition that he continued to perform certain services; but, as to the third right, that of the patron, which grew out of the other two, unconditional compensation was given. Now he wished to call attention to the fact that the persons who would mainly benefit by the application of the surplus of Irish Church property would be the class of persons which supplied the patrons of livings. The tithe rent-charge was, after a certain time, to become the property of the landlords, among whom the patrons were to be found. It was also to be applied, while it continued to be paid, to purposes which would relieve the landlords from considerable burdens. The glebe lands were to be confiscated and thrown into the surplus which would give a further relief to them. The House was continually misled by the account given by the Government of the mode in which the surplus of the Church property was to be applied. They were told it was to be applied to charitable purposes; but the greater part was going to be applied in exoneration of the county cess, and the persons who would really benefit were not so much the unfortunate inmates of the lunatic asylums and hospitals which were to be endowed, as the cess-payers, who were chiefly the landlords in Ireland. He would illustrate this position by a particular case. A parish, having two hamlets connected with it, had a Church population of 820, the dependent district having a population of 1,068. The net revenue of the living, after deducting the salary of the curate and everything, amounted to £839. There were three churches in the district. There was a glebe of 2,000 acres, and a rent-charge of £605, issuing, as he believed, chiefly if not wholly, from the lands of the great proprietor who was the patron. The patron was therefore going to be relieved of the rent-charge of £605. At the end of forty-five years his estate would be the better to that extent, and he would also be better by having considerable relief in the county cess to which he contributed, and towards which the surplus of the Church funds was to go. In addition to this he was to be paid for his advowson, that is to say for a right of presenting to a living, which had been in his family for generations. It was not common in these cases to sell the livings, and they were going to present such an owner with a considerable sum which really he never expected to receive. But what were they going to do for the 1,800 parishioners? Absolutely nothing. They were going to deprive them of all they had been in the habit of receiving, out of which this right of the patron had grown, and to make no compensation whatever. Although it might not be strict justice, yet substantially the injustice that would be done to the owners of the advowson in such cases, if they did take the value of it and apply it to the new Church Body, would be infinitesimal compared to the injustice they were doing by other parts of this Bill. If the Government were proceeding in the same equal spirit with all classes, they would not deal with one class in so different a manner from that in which they dealt with another. It was said that this would amount to something like a re-endowment of the Irish Church. No doubt it was open to that objection, as stated by hon. Gentlemen opposite, but they should remember that they were dealing with this matter in rather a peculiar manner. They were endeavouring to constitute, or facilitate the constitution of, a Church Body, and therefore they had a right to ask whether what they were about to do would contribute towards the formation of such a

Church Body which it was desirable should be formed. Was it very certain that they would have a Church Body? It was extremely doubtful, unless they laid such a foundation as would give it a certain amount of power. It was not unlikely that the Church Body might not come into existence, and that private arrangements would be made with the incumbents for working the whole system by insuring their lives through the medium of insurance offices. A certain future endowment would thus be provided which would suffice for the wants of particular parishes, the whole thing being based upon a private deed of contract between the parties. It was very undesirable that they should do anything to encourage such a state of things as that. He thought it would be a very legitimate and desirable thing that the money paid for these advowsons should be handed over to the Church Body; but he admitted that there were some cases in which, on account of money having been laid out in the purchase of the advowsons, this could not be done without injustice to individuals. He could not, therefore, support the Amendment, but he hoped and trusted those gentlemen who did receive large sums in compensation for advowsons would, of their own accord, apply them to the benefit of the parishioners, from whom, in fact, they had been received; but although a great many might be anxious to do so, some, being minors, or owners of limited estates, might not be able. He was glad to see that the hon. Member for Leith (Mr. Macfie) proposed that words should be inserted in the clause which would enable the patrons to hand the advowsons over at once to the Church Body. Although he should not support the Motion of his hon. and gallant Friend (Captain Archdall) he was glad of the opportunity of pointing out the extreme inequality of the mode in which different interests were treated by this measure.

Mr. Serjeant DOWSE said, he thought the hon. and gallant Member for Fermanagh had proposed this Amendment as a joke. [Captain Archdall: No!] If not, he really could not see what the hon. and gallant Gentleman was about. Hon. Gentleman on that (the Ministerial) side of the House were often accused of interfering with the rights of property, but he had never heard anybody propose to interfere with them in so audacious a manner. It was really in mercy to the hon. and gallant Gentleman that he thought he was joking. People had bought advowsons on the faith of being able to make presentations, and they were not to be deprived of their property in that way. The hon. and gallant Member a short time ago put a Notice on the Paper to disestablish the Church of England. Perhaps he was not joking on that occasion. Really what seemed to hon. Gentleman opposite "but a choleric word" when it came from their own side, would, if it came from those opposed to them, be deemed "flat blasphemy." The hon. and gallant Gentleman was evidently not a patron; if he had been he would have availed himself of his own large spirit of generosity, and made the Church a present of the proceeds of his advowson, without compelling himself to do it by Act of Parliament. The right hon. Baronet (Sir Stafford Northcote) seemed to have availed himself of the opportunity afforded by this Amendment to make a speech prepared for some other part of the Bill; but he (Mr. Dowse) would join him in his appeal to the good nature of the Irish advowson holders, and would say, as one of the 700,000 "scatterlings" referred to by the right hon. Member for Buckinghamshire as left destitute, "the smallest contributions thankfully received." He hoped the hon. and gallant Gentleman would show his good sense, if only for the sake of that part of the country from which he came, by withdrawing the Amendment.

Mr. JOHN HARDY said, the hon. and learned Gentleman who had just sat down complained of this as an act of confiscation, and he seemed to forget that there was such a thing as honour among thieves. He would make the whole Irish nation receivers of stolen goods.

Mr. WALTER said, he thought his right hon. Friend the Member for North Devonshire (Sir Stafford Northcote) had contrived to mystify a very simple question. These advowsons were not the property of the parishioners. They were not a rent-charge at all. They did not belong to the proprietor in the sense of their being so. An advowson was the right of patronage, and the right of patronage did not belong to the parishioners, but to the owner of the advowson;

and all that was proposed to be done was to compensate the owners of these valuable rights of patronage, which had a marketable character, in the same way as they had been acquired in the market. The parishioners were not to be compensated for what they did not possess—namely, the right of patronage. It might be a question whether the Commissioners would compensate the parishioners. That was not a point with which the owner of the advowson had anything to do.

MR. W. H. GREGORY said, he hoped the House would not be compelled to go into the Lobby on such an Amendment, which would have a contrary effect to that which the hon. and gallant Member desired. He should be prepared to show at the proper time that the Bill did not give the great advantages to the landlords of Ireland which the right hon. Baronet (Sir Stafford Northcote) supposed.

SIR HERVEY BRUCE said he wished to put a question to the First Minister of the Crown with reference to the operation of the clause in a case in which he was personally concerned. One of the London companies and himself had jointly endowed a living in a small separated parish in Ireland; and he was anxious to know whether, under this Bill, they would still hold the nomination and the endowment, or whether they would be deprived of the money value of the endowment, which had been made within the last two years.

MR. GLADSTONE said, he presumed that it would be regarded as a private endowment, and restored either to the Church Body, or to the parties to dispose of for the purposes of the Church.

MR. HUNT said, his hon. and gallant Friend (Captain Archdall) said that the interests of public bodies and private bodies were considered in the Bill, but not the interests of congregations, and he wished that they should not be forgotten. There was, however, an Amendment on the Paper by which his right hon. Friend (Mr. Disraeli) proposed to provide for the interests of congregations without injury to the vested interests of individuals. He trusted his hon. and gallant Friend would wait for that Amendment, and meanwhile withdraw his own.

CAPTAIN ARCHDALL could assure the hon. and learned Serjeant (Mr. Dowse) that he had by no means brought forward his Amendment as a joke. It was, on the contrary, a very serious matter, as he would have seen if he had listened to the speech of the right hon. Baronet the Member for North Devon (Sir Stafford Northcote). Nor was he in joke when he proposed to extend the provisions of the Bill to the English Church; because he believed it would be more statesmanlike to consider the circumstances of both the united Churches at the same time, and so prevent the future agitation to which the question of the English Church must give rise.

Amendment, by leave, *withdrawn.*

On Question "That the Clause, as amended, stand part of the Bill,"

THE O'CONOR DON said, the measure was proposed upon the basis of perfect religious equality in Ireland, and by it was therefore provided that compensation should be afforded to private interests only. But by a subsequent clause it was proposed that the educational grant should be taken away from the College of Maynooth, while no similar proposal was made in the case of the University of Dublin, or Trinity College. Under the present clause, indeed, the University of Dublin would receive a large sum of money as compensation for the livings in its gift, about twenty in number, and including some of the most valuable in Ireland. He understood that the amount the University would receive would come to about one-third of what was given to the Church altogether, and he hoped that when the question of Maynooth came to be considered, the effect of this clause would not be forgotten.

DR. BALL said, it was only an act of justice to the University of Dublin that they should receive the value of these advowsons. The advantage of the livings to the College was that they opened a succession to Fellowships to students; the Fellows having the right to take the livings in succession as they became vacant. The University would, under the clause, receive the money for these rights of presentation, but could not waste it, because the last charter bound the governing body to retain the money for the general purposes of the University. A very judicious suggestion had been thrown out, that the money would allow the University to create an additional number of Fellowships. There would be no injustice in giving the value of these livings to the University; it had bought some of them; and one of these livings alone had cost the University £12,000.

Sir HERVEY BRUCE said, he was not perfectly satisfied with the answer which he had received to his question from the right hon. Gentleman the First Lord of the Treasury. In the case he had mentioned, he wished to know whether he would have to give up his turn of nomination to the living, or whether it would be at the disposal of the new Church Body? He had also to ask what would be the position of the corporate body which had contributed the other half of the endowment.

Mr. FAWCETT said, he thought it was just and right that the University of Dublin should receive that large compensation for the right of presentation to these livings. But he also believed that, as they had treated the property of the Irish Church as national property, this payment to Trinity College would afford an irresistible argument in favour of their throwing open all the emoluments and offices of the Dublin University to the members of all religious denominations.

Mr. Serjeant DOWSE said, he concurred in thinking that, if these funds were available for the general purposes of the University, they ought to be dealt with in the manner proposed by the hon. Member for Brighton (Mr. Fawcett). He understood, however, that it was the practice of the Senior Board to apply the year's earnings in paying the junior Fellows, the Sizars, &c., and then to divide the remainder among themselves. If the Senior Board regarded this sum as part of the year's earnings, and dealt with it in the way he had described, there would be very little of the amount forthcoming for the purposes contemplated by the hon. Member for Brighton. He wished to know whether the House had not, under an Act of William IV., given a number of livings to Trinity College? If that were so, they ought not to be compensated; for he understood that the Fellows would not take most of the livings in the gift of the College. They were better off as they were; and thus the livings did not fulfil the purpose for which they were intended, of causing vacancies in the Fellowships.

Dr. BALL believed the livings in question formed a part of the general property of the University, and that the money they fetched could not be applied for the benefit of individual members.

Mr. GLADSTONE said, he would not then enter into the controversy respecting Trinity College. What the clause did was no more than to apply the obvious rule of strict justice in regard to the rights of property, as to which he considered that they had no option whatever. No doubt, the practical effect of the enactment would be to extricate Trinity College, as far as those advowsons were concerned, from its direct connection with the Established Church. That, however, was not a matter into which he need enter at present. In answer to the Question of the hon. Baronet opposite (Sir Hervey Bruce), he had to state that he could not then undertake to give a full account of what, under the Bill, would be the position of the living to which the hon. Baronet had referred. All that he thought it necessary to state upon the subject was, that the clause dealt with advowsons only. If there were an advowson having a pecuniary value in the case of the chapel in question, the circumstances of that advowson would not be affected by the fact that there were joint or alternate patrons. It would be for the patrons to show that they had an advowson of money value, and that value they would then receive under the clause.

Mr. WHALLEY said, he wished to point out that there was not the slightest analogy between the cases of Trinity College, Dublin, and the College of Maynooth, to which the hon. Member for Roscommon (The O'Conor Don) had adverted. The College of Maynooth was devoted exclusively to the education of Roman Catholic clergymen; and it not only instructed, but also supported the students.

Clause *added* to the Bill.

Clause 19 (Repeal of laws prohibiting synods, &c.).

Mr. DISRAELI said, he rose to move at the end, to add—

"And the Bishops, clergy, and laity of the said Church may meet in General Assembly or Convocation by such representatives, lay and clerical, as shall be determined and declared by them in their several dioceses, and, in such General Assembly or Convocation, frame a constitution and regulations for the general management and good government of the said Church, and the property and affairs thereof, and the future representation of the members thereof in Diocesan Synods, General Convocation, or otherwise."

He had called attention to this matter on the Motion for the second reading. The clause as drawn removed restrictions on public deliberation; but it was necessary that definite powers should be given to the Church Body to meet in Convocation after it had organized itself. He anticipated no opposition to the addition, as it would render the clause much more complete and satisfactory.

Mr. GLADSTONE said, he regretted that the right hon. Gentleman (Mr. Disraeli) had not explained himself more fully than he had done, because his few words in the nature of assertion, and not of argument, did not show the occasion for the Amendment, or that it was in itself unexceptionable. He (Mr. Gladstone), as at present advised, believed there was no occasion for it, and that it was exceptionable. The object of the clause was in absolute completeness to remove all restrictions whatever on the action of the Archbishops, Bishops, clergy, and laity of the present Established Church in Ireland, and he believed it did so. If it did not accomplish that purpose he granted that it ought to be amended. Restraints at present attached to the Irish Church in respect of its being established, while other religious bodies had to submit to no such restraints with respect to the management of their own affairs. But having removed those restraints, there, he thought, they ought to stop; because it was not the business of Parliament to confer upon disestablished Churches any positive or constructive power of giving any legal authority to the regulations they might make among themselves. Therefore, the words, besides being unnecessary, were exceptional; and he did not speak without authority in saying this. He would tell the Committee what had happened in an exactly analogous case. In the year 1852, he had proposed a Bill to amend the laws relating to the Church in the colonies. The belief then was that the Church in the colonies did not possess powers for the management of its own affairs, and he sought to give it those powers on the footing of a voluntary contract. The right hon. Gentleman opposite (Mr. Disraeli) was then Leader of the House, and the right hon. Baronet the Member for Droitwich (Sir John Pakington) was Colonial Secretary; and on the second reading, of the Motion for committing the Bill, the right hon. Gentleman, on the part of the then Government, took him to task severely—he did not say with undue severity—for making such a proposition, and argued, with great point and ability, that it was exceptional, because its provisions were affirmative and positive in their character. The same view of the matter was urged, with great force, by the present Lord Westbury, and others, and the result was that the House declined to proceed any further with the Bill. Instructed by the argument of the right hon. Gentleman, of his Colleague the Colonial Secretary, and of the Attorney General of that day (Sir F. Thesiger), he had been careful in the framing of this Bill to leave the Church entire liberty. He thought it must have been in forgetfulness—a very pardonable forgetfulness—of what then took place, that the right hon. Gentleman proposed the Amendment now before the Committee, which was positive in its character, and the effect of which would be to give to the regulations of a voluntary society of Christians, after disestablishment, a kind and degree of sanction, and a basis in law different from that which would attach to the regulations of the Presbyterians, the Wesleyans, or of any other body. He should feel it his duty to object to the Amendment.

Dr. BALL said, he was in favour of the Amendment, and he was much confirmed in that view by the fact that a similar proposal had, on a former occasion, been brought forward by the right hon. Gentleman himself. It was proposed for the benefit of the Church, and it would not injure any other person or body, and he could not understand that any other religious body was interested in it. Now, although the right hon. Gentleman's former Bill had been thrown out in the English Parliament, the spirit of it had been adopted in the colonies. In Canada, by an Act of the colonial Parliament, the Preamble of which recited that even the semblance of a connection between Church and State must be abolished in the colony, the Bishops, clergy, and laity were empowered to make regulations for enforcing discipline in the Church. The entire government of the Church in Canada was carried on by virtue of such a provision, as was also that of the colonies of Australia. In the colony of Victoria the Act declared that the resolution of the Assembly or Synod should be binding on the Bishop and his successors, and on the clergy and the laity, and that it should be lawful for the Assembly to establish a Commission for the trial of ecclesiastical offences. Therefore, two most important dependencies in this Empire had found it necessary to pass a measure similar to that which the right hon. Gentleman had failed in passing through that House. If the clause passed as it stood, then he saw nothing in it to prevent the people of Down and Antrim forming a Church for themselves, the people of Leinster another, and the people of Connaught a third; but as they were going to give these people the glebes upon their paying ten years' purchase for the sites, the House was entitled to make some bargain with them, and to say—"We will not allow you to divide yourself into a number of minute sections." Such a restriction would be conducive to good order and good government of the Church. In the United States, a sort of enabling power had been given to each religious body to form a corporation for itself, and he could not see why such a power should not be given to the Church in Ireland.

Mr. BERESFORD HOPE might point out to the right hon. Gentleman at the head of the Government, in confirmation of what had fallen from his right hon. and learned Friend the Member for a sister University, that there was one great difference between the Bill he introduced, in 1852, and any legislation that might possibly occur under the present Bill. He spoke from a rather vague recollection of the former Bill; but he believed that that Bill was an enabling and an incorporating Bill, and it dealt with the ecclesiastical constitution of many of our colonies, each of them with its own special form of constitutional government, and very jealous of any general measure emanating from the mother country, and dealing with them in the lump. It was very difficult indeed for the Imperial Legislature in England to deal with the ecclesiastical constitution of several colonies in one Act, in consequence of its involving the question of colonial *versus* Imperial administration. In consequence of this miscarriage, a short enabling Act was subsequently introduced, though it afterwards fell through, and he believed that the synodical government now existing in various colonial churches was by Acts of the different local Legislatures. Hereafter the Church of Ireland would stand in the position of the Churches in Canada or Victoria. It would be a colonial Church in a country which did not possess an establishment; but Ireland would still be governed, as to its local concerns, as far as secular affairs were concerned, by the Imperial Parliament, while the colonies were locally governed by their respective Parliaments. As far as Ireland was concerned this Imperial Parliament was to that country just as its own Legislature was to each colony — namely, an individual engine of domestic government. It had not been regarded as unconstitutional for the colonial Parliaments to pass enabling Acts incorporating their Churches, and therefore, by parity of argument, it would be no violation of the principle of religious equality if the Parliament of Great Britain should pass such an Act or put a clause in the present Bill with reference to the Disestablished Church of Ireland. As to the point of religious equality so often thrown in the teeth of those who opposed this Bill, he did not see why, if a similar provision were applied for by the Roman Catholic or the Presbyterian Church of Ireland, it should be refused.

Mr. SAUNDERSON said, that a doubt had arisen in the minds of members of the Irish Church as to what religious persuasion they would belong to when this Bill was passed. As at present advised they would belong to the sect of the disestablished Irishmen. The right hon. Gentleman at the head of the Government appeared to assume that, after the passing of the Bill, members of the Church from all parts of Ireland would assemble in Dublin in order to form themselves into a Church Body, and to decide what form of religion they would adopt. He thanked the right hon. Gentleman for leaving them perfectly free in this matter to chose what form of doctrine they might think most advisable and suitable; but it was quite within the bounds of possibility that when a number of Irishmen assembled together for this purpose some slight disunion might arise among them; and whereas some might be in favour of adopting the whole of the Thirty-nine Articles, some might prefer a smaller number. A portion of the clergy might refuse to adopt the proceedings of the Church Body, as not in any way binding on them; and he wished to know whether the Church Body, as contemplated by this Bill, would have any power of interfering, or of enforcing discipline in the parishes of Ireland. Or if a certain number of parishes adopted the principles of the Church Body, would the others still continue to belong to the Protestant Episcopal Church of Ireland. This was an important matter. It was felt that if the Church Body was to meet in Dublin and have no power at all, it would be simply a farce. He trusted the right hon. Gentleman the Attorney General for Ireland would state what position they would be in after disestablishment and disendowment.

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) said, it appeared to him that the words proposed to be added by the right hon. Gentleman were not wanted at all, or, if they were, it was for a purpose not very clearly disclosed in them. If they had any object, it must in reality be to obtain for the Disestablished Church a recognition by the State which no other religious body in Ireland would have. According to an Act of Parliament peculiar to Ireland, no body in that country could meet by representation or delegation: the prohibition in that Act extended to Convocation of the Established Church, save when it met by consent of the Crown. It was rather curious that in an Act of Parliament which had been passed with a view to the suppression of the United Irishmen and other secret societies, Convocation should be specially referred to; but so it was. It was necessary to repeal the prohibition contained in that Act so far as it affected the Church Body, as the Church was about to be disestablished; but to give the disestablished body privileges which no other body would have would be to perpetuate the grievance which now existed. The 19th clause would leave the Archbishops, Bishops, and clergy of the Disestablished Church as free as air to meet and form any constitution which they themselves might choose to form. If the case put by his hon. Friend the Member for Cavan (Mr. Saunderson) should arise—that was, if the Church Body should not agree—they would be in no worse position than the Presbyterians or the Wesleyans. If one portion of the Presbyterian body did not agree with the rest, the dissenting portion formed another Synod. Well, if twenty or thirty parishes of the Disestablished Church did not agree with others, they need not send representatives to the general body. The case of the colonies, relied on by his right hon. and learned Friend the Member for the University of Dublin (Dr. Ball), did not apply. In the colony of Victoria the Act was not passed by the State to bind the Church, but it was passed by the State at the request of the Church Body. He could imagine nothing more objectionable than that a central Church Body in Ireland should come to Parliament for an Act to enable the majority to bind the minority. He believed that the Protestants of Ireland did not want to be dictated to in the manner they would be dictated to if the Amendment were adopted.

MR. BRUEN supported the Amendment.

MR. DISRAELI said, that the Attorney General for Ireland had given them a lively picture of the impending religious amity which they might expect in Ireland. The result depicted by the right hon. and learned Gentleman was one which he was anxious, if possible, to prevent. He did not think it a necessary element of religious freedom that every facility should be given for discordancy of opinion. In the proposition which he made, he did not ask for any great authority for the Church Body. On the contrary, a subsequent clause of the Bill would give that body a much larger measure of authority, to be exercised in much more important matters. After all, what was it that he proposed by his Amendment? That the new Church Body should conduct their affairs with the authority and decorum of an ecclesiastical Parliament, instead of being made a sort of Donnybrook fair. To allow the opinion of the majority of the Church Body to be the opinion which should regulate the conduct of the whole body appeared to him to be only in accordance with the Constitution and the habits of this country. He believed that the great grievance of the Amendment was that it would carry into effect convictions entertained by the First Minister of the Crown, in 1852. He was willing to give all the credit of the principle of his Amendment to the right hon. Gentleman. He was only proposing something that the right hon. Gentleman proposed in 1852; but as he (Mr. Gladstone) did not see his way to a concurrence in anything of that kind, he would not press the Amendment.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 20 (Existing law to subsist by contract).

Dr. BALL said, he would ask the right hon. Gentleman whether he objected to the adoption of the following Amendment, which had been placed upon the Paper by the hon. and learned Gentleman the Member for Richmond (Sir Roundell Palmer):—

> "In line 34, after 'accordingly,' insert 'and no alteration in such Articles, doctrines, rites, rules, discipline, or ordinances shall be deemed binding in law upon any Archbishop, Bishop, or other person entitled to any annuity under this Act, who shall not consent thereto?'"

He regretted the absence of the hon. and learned Member, and he did not feel himself empowered to move the Amendment in the absence of his hon. and learned Friend, if the right hon. Gentleman objected to its adoption.

Mr. GLADSTONE said, that he also regretted the absence of his hon. and learned Friend (Sir Roundell Palmer). He had had some communication with him, and he believed that his hon. and learned Friend was not indisposed to look with favour upon the view taken of this matter by the Government. Now, he freely admitted that it was one of real difficulty, and different from that which they had just been discussing. They were dealing with the pecuniary interests of a large body of men, and they made the arrangements on the assumption that they would continue to belong to the body to which they now belonged. But then arose the question, what is to be done if that body altered its laws and circumstances in a manner that some particular Members might not approve of? The Amendment of his hon. and learned Friend would provide that no such alteration should be binding on any annuitant, but the objections to such an Amendment were fundamental. How was "consent" to be defined or provided for? A person, under such an Amendment, might object to the action of the representative ecclesiastical assembly contemplated by the Bill, and might refuse to be bound by its decision, even though, with the exception of himself, the whole body of the Church was in favour of it. At least upon the passing of any particular Act by the Church Body any small minority might object to being bound by the decision of the majority, and thus two or perhaps many systems of law might be established within the Church. He did not know how to distinguish between such a state of things and anarchy. How could it be known to what laws the Church was subject, and to what she was not subject? The Bill, as it now stood, proceeded on an uniform and just assumption. The Church in Ireland was to be set free without restraint or qualification; the Government thought that incumbent on them when they took away its privileges. They were then asked—"Won't you take securities for a right use of that freedom." They answered—"No, because if we do so it is freedom no longer." But then came the question—"How will you deal with the rights of individuals?" The best answer he could give was this—if any individuals of the clergy of the Church of Ireland were not content to accept the position which the Bill as it now stood gave them—if they mistrusted the body to which they belonged—the only remedy for the difficulty was this, that the Government must—and he thought they would—endeavour to construct some provision under which, upon certain terms in regard to their annuity or commutation, such persons might cut of out the game altogether—of course he used the expression not irreverently—and release themselves from all obligations to, and connection with, that body. This might be done, but he did not see how it was possible that they should continue members of that body and yet enjoy the license of individuals dissenting from this or that particular rule or constitution. It was quite evident that it was of the greatest importance to know what view was taken by the Irish clergy themselves of the new liability they would come under as members of the Disestablished Church;

that was to say, the liability to have their religious affairs affected by the proceedings of the proposed assembly that might meet under that measure. If the clergy declined to trust their religious affairs to the control of the proposed assembly, the House could not bind them to become members. In that case it might be right to introduce a provision to enable them to resign some proportion of the compensation contemplated by the Bill for the purpose of permitting them to go away free from all obligations. But it was very satisfactory to know that from no one quarter in the Church of Ireland—and the Government had been in communication with a number of persons on this subject—had there proceeded the slightest sentiment of distrust of that nature, or the least disposition to assert their individual rights as against the body. Well, if the clergy of the Church of Ireland were satisfied with the prospect and content to take their chance, so to speak, as members of that community, it was not necessary for the House to trouble itself very much upon the question. It was a matter that had received, and would continue to receive, the earnest attention of the Government.

Dr. BALL said, that he had received from some of the Irish clergy communications expressing the wish that this Amendment should be passed. In the absence of the hon. and learned Member for Richmond he could not, however, undertake the responsibility of moving it, especially after the remarks of the right hon. Gentleman at the head of the Government, who had certainly suggested an alternative that had not yet been taken into consideration.

Mr. GLADSTONE said, he was very glad that the right hon. and learned Gentleman opposite (Dr. Ball) was giving his attention to this point. It was not one involving any party considerations, and he had some confidence that the proposal of the Government would meet with the approval of hon. Gentlemen on both sides of the House.

Mr. SHERLOCK said, he rose to propose the omission of the clause, on the ground that it was inconsistent with the leading principle of the Bill—the establishment of complete religious equality in Ireland, while it was also of far too inquisitorial a character. The objection that had been made against Clause 18, that it would virtually re-establish the Disestablished Church was still more applicable to this clause. The effect of it was to distinguish the clergymen of the Episcopal Church in Ireland from those of the Roman Catholic, Presbyterian, and other religious denominations, and if any such provisions were to be carried in favour of the members of the present Establishment, they ought to be extended impartially to all other sects. He did not mean to argue that the Roman Catholics of Ireland would be willing that their ecclesiastical discipline should be supported by appeals to the temporal courts, except in cases where questions of property were concerned. He thought that, on the principle of equality, and in a Bill establishing voluntaryism in Ireland, this was a clause that ought to be omitted.

Mr. CANDLISH said, he thought that the clause would create a marked distinction between the Disestablished Church and other religious bodies, and he wished that the Government would leave the members of the Disestablished Church entirely free.

Mr. R. BRIGHT said that he was in favour of the clause, and only doubted whether it would be sufficient to secure, as he hoped it was intended to do, the indentity of doctrine and discipline between the Churches of England and Ireland. He could see no force in the objections of the hon. Gentleman opposite (Mr. Sherlock); but, on the other hand they must remember that in the first days of disestablishment the Church would be feeble and it was the duty of the House to lend them a helping hand, and the process of disestablishment would be really a gradual one, for when the Act came into operation, in 1871, there would be a large portion of the clergy who would not be under the voluntary system, but bound by their ordination vows to obedience to the laws of the Church. In the event of any question of doctrine arising to what court could they appeal? The Committee had done away with the ecclesiastical courts and substituted for them the temporal courts, which might not always decide upon the same principles as the ecclesiastical courts had been accustomed to do. In fact, it was probable that questions would come before the temporal courts which had never been before the ecclesiastical courts at all. It would, no doubt, be necessary in the end to resort to the highest court of appeal in this country, but in the mean time there would be danger of a great schism being created in Ireland.

Mr. O'REILLY DEASE said, he thought that the most unlimited freedom of action should be given by the State to all denominations whatever.

Mr. PIM desired that all the religious bodies in Ireland should be placed on a footing of equality. He should not have objected to the Amendment of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli). It would be almost necessary, in order to prevent the Church, when once placed in a voluntary position, from getting into absolute confusion. He reminded the House that they were about to leave the Church in a condition of which there was no example since the disestablishment of the Church of Rome in Ireland. But in that case that Church had an organization of its own, and it received its directions from abroad. It was said that this clause was only introduced for a temporary purpose till the Church was in a condition to make arrangements for itself. That might be, but then see what was done by a subsequent clause, which provided that, when the Church Body had made laws and regulations for itself, it should be lawful for the Queen to incorporate that body and enable it, notwithstanding the Statute of Mortmain, to hold lands. But no other body in Ireland had that power. Before this section had the approval of the Committee he hoped a full understanding would be come to that some similar power would be conferred on other religious bodies in Ireland.

Mr. HENLEY said, he thought this a very curious clause, and the more curious coming from the quarter it did. They had heard a great deal lately about the hardship of subscription; but here parties were not to subscribe, yet they were to be bound, not by any existing law they might now believe they knew, but, as if they had entered into a contract, by something that might be made by some other body. ["No!"] That was the construction he put upon the clause. It was not always very easy to say what were the obligations of Church membership; but how were these obligations to be enforced? Not by the ecclesiastical, but by the temporal courts. That seemed to him rather a complex mode of proceeding. The hon. and learned Member for Richmond (Sir Roundell Palmer), whom he was sorry not to see in his place, seemed to think it necessary to put in words to save the clergy from the inconvenience of any alteration that might be made in the existing law. What was the case? That House, so far as it was in its power, had decided by a large majority that Ireland, so far as the governing power of this country is concerned, might—he did not say should—be for the future "without God in the world." ["No, no!"] The House had come to that decision; that was the position in which they were about to put one of the three kingdoms. It was a very grave question, whether, having taken that step, they had a right to interfere with the new body in any way—whether they ought not to leave them to their own free action—whether, by any attempt of this kind to keep them in conformity with some other body, they might not be doing the same very serious mischief. If they were to be entirely free from the State let them be free. They had sometimes heard of the Church in chains—that was rather a favourate phrase with some; but if there could be a Church in chains it would be the Church of Ireland disestablished and disendowed, with this 20th clause round its neck, He did not see any use at all in hindering the free action of the Church after the cable had been cut.

The SOLICITOR GENERAL said, he thought that if the 20th clause were looked at fairly, it would be seen that it was not open to the objections with which it had been assailed from various quarters. Beginning with the words—

> "Subject to any alteration which may be made after the said first day of January, One thousand eight hundred and seventy-one, by the members for the time being of the said Church, or their representatives,"

it enacted that the present ecclesiastical law of Ireland would be binding on the members as if they had agreed to observe the same. It was important to remark that this clause was entirely of a transitional character, and only proposed to operate so as to lift over the members of the Church from one state of things that had been entirely destroyed to another with which they might themselves deal. The view of the Government in agreeing to the clause was that the members of the Church would create a state of things for themselves. Until the voluntary body made some regulations analogous to those that governed all other religious bodies, there must be some such provision as this made by Parliament, or the whole body would be in a state of absolute anarchy. If they took from the members of the Church the courts in which their own peculiar obligations were enforced, they would not be placed in a better position than was occupied by other voluntary bodies in the kingdom; and the only difference between the position of a clergyman who refused to join the Church Body, and the one who did, was, that the one who did not join would be in a worse position than Dissenters, because in the one case they would enter into a contract to be bound by regulations to which they consented, while in the other they would be bound by those to which they did not consent. Suppose a minister guilty of any offence which would subject him to the censure of an ecclesiastical court, or to deprivation of his living. Under the new state of things he would be taken to have broken a contract which he would be supposed to be bound to keep, and which would be enforced against him by the temporal courts, the penalty for breach of which might be the deprivation of his living. The only difference would be that the sentence would be a temporal instead of an ecclesiastical sentence. Without such a clause the Bill would not work, because it provided for the discipline of the Church in the interval in the only possible way.

MR. GATHORNE HARDY said, he thought it was possible to come to a common understanding in this case. As he understood the matter, it was a pity that this clause preceded the 21st. By the 21st clause the ecclesiastical courts were to be abolished on the 1st January, 1871, and this clause coming before it left some misapprehension as to its meaning. Coming before the abolition of the ecclesiastical courts it gave some persons the idea that it would subject them to a discipline that they had not before been called to submit to. But as he understood the clause it would not come into operation till 1871, and he admitted it was necessary that some provision should be made until then. Up to the 1st of January, 1871, everything was clear—everything would be administered by the ecclesiastical courts as at present. Then would come 1871, and by that time it was supposed the Church Body would be constituted. Till that Church Body, as a constituent body, representing the Church, altered the constitution, it was the intention of the Government that the civil courts should put in force the laws of the Church as they existed at present. That seemed to him very reasonable also. He saw no difficulty in it as far as property was concerned. But a question might arise as to the Bishop's jurisdiction, such as in the matter of a certificate of sequestration. He wished to know whether the Bishop's certificate of sequestration could be enforced in the temporal courts? He wanted to know whether, if the Church, though altered in organization, did not alter its laws, the Bishops, with the consent of the Church Body, could prosecute in the temporal courts in a question of doctrine? He supposed it would be so, for he remembered a dispute among the Dissenters, whether a certain chapel belonged to the Particular or to the General Baptists. It was a question of doctrine, and it was enforced in the Court of Chancery. But he wanted this point specifically stated, as much misapprehension existed on the subject out-of-doors.

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) said, that the right hon. Gentleman (Mr. Hardy) had stated the effect of the clause with perfect fairness. The ecclesiastical courts were not to be abolished until the 1st of January, 1871. The effect of that would be that inasmuch as these courts had authoritative jurisdiction over the members of the Established Church, the coercive jurisdiction of the Bishops, as enforced by those courts, would last until that time. The Bill provided machinery by which the Church might be ready on the 1st of January, 1871, to have statutes and a representative body of its own. But it might possibly be that differences would arise, and in such an event the clause provided for the interregnum. But for the clause everything would fall into perfect confusion, and a minister might enter the pulpit and preach doctrine quite contrary to that of the Thirty-nine Articles, and to that which his congregation accepted and believed. The clause granted power of appeal under such circumstances to the temporal courts. It gave the temporal courts no additional jurisdiction, but merely confirmed to them the same jurisdiction as was actually exercised at this moment by the Court of Chancery over Wesleyans, Presbyterians, and other Dissenting bodies.

MR. WALPOLE said, he found difficulty in assenting to the clause from the fact that the Bill would drive the Church of Ireland into a transition state, the result of which could not be ascertained until the new Church Body had been determined. The two clauses taken together, and they could not be separated, provided that the ecclesiastical law should cease to be administered in Ireland on the 1st of January, 1871, and that the interval, if there should be one between this and the time that the new Church Body framed its constitution, should be provided for under Clause 20. Now, if all the parties in the Church agreed as to its government, no difficulty would arise; but it must be remembered that the Bill dealt with a body which had certain existing laws, to which its officiating members had subscribed. Some of its members would wish those laws to be maintained, while others might desire to see them put an end to in the new laws which the new Church Body might desire to create. Supposing, then, that a large portion of the new Church Body did not agree to maintain the existing laws, what protection would the members of the Church have? And what would happen if the clerical authorities of the Church did not subscribe to the new doctrines laid down? He was not prepared to propose any Amendment to these two clauses, but he feared that great difficulties might arise if they were carried in their present form. There was another point on which he desired to have additional information. He should be glad to learn from the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Sullivan) what was meant by the words "ecclesiastical law." What did those words include? It was distinctly said in one clause that the ecclesiastical law should be binding till the new provision was made, and by the next clause it was provided that the ecclesiastical law should be entirely abolished. How many Acts of Parliament and regulations affecting the Church did these words "ecclesiastical law" include; which would be binding, and which would be abolished? There ought to be some explanation of this.

MR. GLADSTONE said, his right hon. Friend (Mr. Walpole) had remarked that there was much difficulty in regard to these clauses and the arrangements they contemplated. Well, the Government also admitted that that was the case. Indeed, he should like to know how any Legislature was to go through the operation of converting an established Church into a voluntary community of Christians, and to reserve, at the same time, all its legal rights as far as possible, without encountering difficulties. As regards the difficulty which might possibly be experienced at a future period by individuals who might not feel disposed to assent to particular regulations made by the new Church Body, that was a subject which had been already discussed on the Amendment proposed by the hon. and learned Member for Richmond (Sir Roundell Palmer), and it would not be convenient to revert to it on the consideration of this clause, which affected the new Church Body as a whole. The right hon. Gentleman had asked what would be done if the body went to pieces or could not constitute itself. Well, the present Bill had been constructed throughout upon the supposition that a new Church Body would be formed, and he did not say that, in case it was not, further legislation would not be necessary. But he defied anyone to propose a law which should be perfectly adapted to the two suppositions—that the members of the Church in Ireland would and would not constitute the new Body. It would not be pursuing a course friendly to the Church if they were to include a set of propositions in the Bill on the supposition that it would, after the passing of the measure, disperse into fragments. It was more respectful, and it would be more beneficial, to assume in the first instance, as the Government had assumed, that the Church would be disposed to keep together hereafter, as it had done heretofore, although the means by which it operated would be different. If these expectations were not realized it would then be time to attempt to deal with the fragments into which the Church might be dispersed. He desired nothing better for the clause than that it should rest on the speeches which had been delivered in succession by his learned Friend the Solicitor General, the right hon. Gentleman the Member for the University of Oxford (Mr. Gathorne Hardy), and the right hon. Gentleman the Attorney General for Ireland (Mr. Sullivan). In reply to the appeal made, at an earlier period of the evening, by the Member for Sunderland (Mr. Candlish), he could not help expressing his belief that the hon. Gentleman's objections to the clause must have been mitigated by the speeches he had just alluded to. One indication of the importance of the clause was that neither the right hon. Member for the University of Oxford nor the right hon. Member for the University of Cambridge (Mr. Walpole) had proposed any alteration. No authority whatever was given by this clause to the present ecclesiastical law, the subject-matter of which would remain simply as a matter of contract between individuals, and not as imposed by authority of the State. Although the clause was most necessary for the purpose of the Disestablished Church, it was not either exceptionally advantageous or exceptionally disadvantageous to that body. Every religious body found it necessary to constitute tribunals of its own, which dealt with various circumstances which arose in the first instance; and, as a general rule, it was only in any difficulty, when their own machinery happened to be insufficient, that they were driven to appeal to the temporal courts as a last resort. But this new religious body, so long as the clause remained in action, would have no resort but to the temporal courts; therefore they would have the strongest practical motives for exempting themselves from the operation of the clause in order to voluntarily constitute their own tribunals. If he were asked, with regard to the general prospects of this Bill, and the hopes he entertained of carrying it into law, he should not hesitate to say that, in that point of view, the importance of the clause could not be exaggerated. It involved no violation of the principles of the Bill; it was, he believed, required by the common dictates of justice, and he strongly commended it to the acceptance of the Committee on account of the tendency it would have to lessen the difficulties and promote an early settlement of the question.

Mr. SHERLOCK said, that, although he still entertained some doubts as to the effect of the clause, he would not trouble the Committee with dividing, but would withdraw his Amendment.

Clause *agreed to.*

Clause 21 *agreed to.*

Clause 22 (Incorporation of church body).

Dr. BALL said, he rose to propose as an Amendment, to leave out at the end of the clause the words "to such extent as is in this Act provided, but not further or otherwise." The effect of the clause as it at present stood was this—The representative body of the Church might hold lands. There was no limitation or obstruction as to any amount of money, because there were no laws or rules of law in Ireland to prohibit anybody, whether a corporation or an individual, for any religious or charitable purpose from holding any amount of money. There were laws in Ireland to prevent corporations, but not individuals, from holding lands. Now, the first part of this clause provided that if at any time it was shown to the satisfaction of Her Majesty that the Church, as there described, had agreed upon a representative body, then it should be lawful for Her Majesty by charter to incorporate such body. That would make the new Church Body a corporation, and when it was made a corporation it was brought under the law of Ireland applying to corporations. The law of Ireland applicable to corporations was this—The old statutes passed in England in the reigns of the Edwards and Henries prohibiting corporations from holding lands were introduced, or rather the effect of them was introduced, into Ireland by Poyning's Law. Therefore since Poyning's Law corporations in Ireland could not hold lands without license. There was no prohibitory law in Ireland preventing any property from being applied to religious uses; the sole restriction in Ireland was against land being acquired or held by a corporation. In consequence of the Church Body being incorporated, the general law of Ireland would prohibit that body from holding any lands whatever except so far as it was licensed. Now the close of the clause dealt with that, as it said that the Church Body should have power, notwithstanding the Statutes of Mortmain, to hold lands to the extent that was provided in the Act, but not further or otherwise. But the only license to hold lands given in the Bill was contained in one clause, making provision for thirty acres in the case of a Bishop's house and for ten acres in the case of a glebe house. He objected to that limitation in both cases. The thirty acres and the ten acres would be too small. What were thirty acres in connection with the see house of Armagh, to which it had taken £14,000 to add one storey? The whole demesne, too, which was about 200 acres, was planted in such a manner that you could not carve it and cut it up without injuring the entire place. Viewing it merely as regarded the Government plan, the quantity defined was entirely too small. But he had a further objection to the limit imposed; he did not know why they were to put any restriction at all. The Roman Catholic Church in Ireland could hold land there to the extent of £10,000 or £100,000 a year, because the corporate character did not apply to that Church. The Roman Catholics had never been allowed to form a corporation sole or corporation aggregate. He did not deny that an individual could endow a bishopric or a glebe by conveying it to trustees, but that would be a very inconvenient mode of proceeding. The hon. and learned Member for Richmond (Sir Roundell Palmer) had another Amendment, with something like the same object, leaving the limitation contained in the Bill, but open to such further extension as Her Majesty might hereafter authorize. The spirit of that Amendment would, however, he feared, be considered contrary to the decisions already arrived at by the House, to the effect that there should be a complete severance between the Crown, or in other words, the State, and the Church Body. Then, again, it was not altogether fair to place the Church Body at the mercy of whatever Government was in Office, which would be the effect of the hon. and learned Gentleman's Amendment. In various countries various limits as to the extent of land to be held in mortmain were adopted. In America and the colonies, £200 or £300 a year were allowed for each clergyman, and he would have no objection to accept a limit of that kind in this case. The Roman Catholic Church could not be prevented from acquiring property in Ireland, because there was no statute against superstitious uses in that country. Under the Charitable Bequests Act a deed or will, confirming endowment for religious uses, might be executed three months before the death of the testator, and this limit of time was the only restriction in the case of the Roman Catholic Church, and that was founded not on motives of religion but policy. The Amendment which he would propose was to leave out the limit as to extent, and therefore he would move in page 8, line 19, to leave out "to such extent as is in this Act provided, but not further or otherwise."

Amendment proposed, in page 8, line 19, to leave out from the word "lands," to the end of the Clause.—(*Dr. Ball.*)

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) said, the effect of the Amendment would be to enable the Church Body, when constituted, to hold lands to any extent whatever—a proposal utterly contrary to the spirit of the law. He could understand his right hon. Friend (Dr. Ball) proposing to enlarge the limitation, but to say that this corporation was to be favoured beyond all other bodies whatever he could hardly conceive to be a serious proposition. What his right hon. Friend had said with respect to the Roman Catholic Church was to be taken with a qualification. By the Charitable Bequests Act property could be held for them by trustees, and that he thought the Church Body might fairly ask. But the law never allowed the Roman Catholic Church to hold an acre of land as a corporation. On the contrary, that Church had been driven to every possible shift and device and to enormous expense to obtain the means of doing so, while the Established Church had been favoured by statute after statute, giving the most comprehensive powers with respect to these things. His right hon. Friend had spoken of the Palace of Armagh, and had told the House that it had cost £14,000 to put one storey on it. Well, if anything were wanting to add force to the argument in favour of the proposal of the Government, it had been supplied by his right hon. Friend. His right hon. Friend regretted that the see of Armagh should be deprived of its beautiful demesne; but thirty acres were a pretty fair allowance, and a Bishop would probably be better employed on his thirty acres than in putting a new storey on his palace at a cost of £14,000.

Mr. BERESFORD HOPE said, the right hon. Gentleman the Attorney General for Ireland seemed to have landed the House in a very unfair conclusion. He could not say that he was as much taken by surprise, as the right hon. Gentleman seemed to be, to hear that a country house in a former generation, when labour was high, and when the situation was remote, should have cost more than, perhaps, it ought to have cost, or would now cost, in a state of things like the present; but it hardly comported with the position of the right hon. Gentleman, or with the feelings with which he ought to have approached this question, for him to come forward, and to excite something like what, if it had not come from so august a personage, he should have called a claptrap cheer. Well, he would simply ask the Committee whether it was prepared to strip this Disestablished Church of all its property, and then turn it out naked into the world? Was it not a great hardship and unfairness that the Church, when constituted into a voluntary body, should be prevented from making itself into a benefactor of Ireland in the way of agricultural improvement? Was it not a great hardship if the Church, stripped of its old possessions and turned out almost naked, is to be precluded from making the best investment for its money it could, or, if it pleased, turning it into land? With so much unreclaimed land as Ireland still contained, and so many complaints rife about the absenteeism and want of interest of the landowners, any body of men who were induced to undertake and superintend reclamation and cultivation would be Ireland's natural benefactors. No obstacle, he maintained, ought to be thrown in the way of the Church Body investing its money, acquired by way of commutation or of voluntary gifts, in the purchase of land. The hon. and learned Gentleman opposite maintained that for corporations to hold lands to an indefinite amount was a power unknown to the law, but at present a factor of the United Kingdom without an established Church was equally a thing unknown to the law, and if disestablishment were resolved upon in any one of these factors it must be faced and taken with all its *sequelæ*. There might be invidiousness in an Establishment having this power of holding land; there could be none in its being conceded to a voluntary body. One unknown state of things ought to be established to meet the other. If there was a fear that the effect of this Amendment would be that the Protestant laity of Ireland would flock into the market to buy land for the benefit of the clergy of their Church, to an extent detrimental to public polity, he could only say he should be glad to see such a burning zeal realized, and he should not then look upon this Bill with so much apprehension. But all people knew that the new Body would, at best, only have a moderate income, and it was an act of tyranny to limit it in its commercial freedom to invest what it might obtain at the most remunerative interest, including landed securities.

Mr. GLADSTONE said, they were not now discussing the question whether thirty acres were sufficient for a Bishop or ten for a clergyman. He was disposed to admit that, in certain cases, those limits would require modification as regarded glebes in the occupation of the clergyman, and where the Commissioners were of opinion that severance would be injurious, but that would come in a later clause. With regard, however, to the present Amendment, so far as he understood it from the observations of the right hon. and learned Gentleman the Member for the University of Dublin (Dr. Ball), and of the hon. Member for the University of Cambridge (Mr. Beresford Hope), the Government must distinctly and decidedly join issue with the right hon. and learned Gentleman. It was proposed that the Disestablished Church should have the opportunity of investing in land without any legal limitation to whatever extent it might find convenient, and the hon. Member for the University of Cambridge anticipated that the Disestablished Church would then take the lead in the great work of agricultural improvement. His own impression was that the Disestablished Church would have something else to do. Ecclesiastical landlords, as a general rule, were bad landlords, and could not well be otherwise. If the ecclesiastics of the Irish Church engaged in land accumulation and management, they would be ecclesiastics of a very different kidney from those of which the Disestablished Church would have need. On grounds of public policy he was averse to the principle of accumulating lands in ecclesiastical hands. Whatever they did for the Disestablished Church they must be prepared to do for all other bodies in Ireland; and then arose this further question—the question between the various religious bodies and the State. Time was when almost the only kind of productive property was landed property. No wonder, then, that great license was given 500 years ago for its tenure by the Church, though even then it was continually found necessary for the State to interfere to impose limits on the power of holding endowments of land. But we had now lived into a period when the proportion of personal property had become very great, was every day increasing, and admitted of every variety of investment. He was not arguing that they should limit the power of bequests, but he thought it was enough for the religious bodies, as a general rule, to have the power of investment other than in land, and that it was necessary to apply a somewhat rigid rule as to the amount of landed property which they should be allowed to hold, especially in a country where the quantity of soil was limited, and where an ecclesiastical landlord, from the nature of things, could not be a good landlord. The Government could not accede to any change in the structure of the Bill which would entirely and essentially alter the present character of its provisions, and they objected to recognize landed property as a fit receptacle for ecclesiastical investments.

Mr. GATHORNE HARDY said, he thought it probable that the Church Body would be inclined to invest more in personal than in real property, for their own sakes. The right hon. Gentleman opposite the First Lord of the Treasury had, however, laid down a principle to which, if he adhered, he could not refuse to assent to what was now proposed. The right hon. Gentleman declared that what they did for the Disestablished Church they must do for all other religious bodies in Ireland. He (Mr. Gathorne Hardy) would reverse that, and say that what they did for others they should do for the Disestablished Church. The Roman Catholic Church in Ireland was not an established Church, and could not be from its organization, a corporation, and to get over the difficulty thus arising, the Commissioners of Charities were authorized by 7 & 8 *Vict.* c. 97, the Charitable Bequests Act, to hold any amount of lands or property for the benefit of the priests of that Church and their successors, and for the Bishops of that Church and their successors. And, therefore, these charitable Commissioners held lands as trustees for those persons, of whom the First Minister of the Crown had stated that they could not be good landlords without being bad ecclesiastics. In that way he maintained that a fiduciary body had been created by Act of Parliament, into whose hands funds and lands were put by to accumulate. The fiduciary body, in the present instance, was created by the Government itself, and the Bill put into the hands of a corporate body all the funds of the Church. The Bill gave them a power to hold any amount of personal property, and he could not understand why it did not give them the same power with regard to real property also. The First Minister of the Crown, and the Attorney General for Ireland had laid down the principle that the same measure should be meted out to all religious bodies in Ireland. Well, then, having put the Roman Catholic body on that footing by the Charitable Trusts Act, he thought that the Government were bound to introduce into this Bill clauses similar to those in that Act.

Mr. BENTINCK said, he happened to have been a member of the Ecclesiastical Titles Committee, and had heard a great deal about the land question; and it was admitted that, as stated by his right hon. Friend, the Roman Catholic clergy had the power to acquire, and, in point of fact, did acquire, any amount of real estate. The right hon. Gentleman, though he had to a certain extent consented to modify the clause, never said that he would put the new Church Body upon the same footing as the priests of the Roman Church. He (Mr. Bentinck) maintained that this was not equality.

Lord JOHN MANNERS said, the late Mr. Southey asked why a man who wore a black coat should be a worse landlord than he who wore a blue one, and he could not concur in the apparent conclusion of the First Minister of the Crown, that a gentleman wearing a black coat would make a worse landlord than a gentleman wearing a blue one; indeed, he thought that as regarded Ireland, at all events, the reverse was true; and he had never heard that clerical landlords had been the victims of the violence to which other landlords had been subjected. Be that as it might, if the Church of Ireland was to be committed to the voluntary principle, why should the State step in and say the voluntary principle should not apply to the holding of land, except in the limited degree stated in the Bill? Through the mouth of the Attorney General the Government had declared the proper size and limit of glebes and episcopal domains; but that declaration was at variance with the first principle of the measure, with which the Amendment of his right hon. Friend was quite consistent; for what was that principle? It was that henceforth the State should not concern itself with the arrangements or affairs of the Irish Church. It was laid down, as a principle of public policy, that corporations should not hold land; but the Charitable Bequests Commission in Ireland was at liberty to hold an unlimited quantity of land for the purposes of the Roman Catholic Church, and he, therefore, wished to know whether that power was consistent with public policy? The right hon. Gentleman had admitted that, so far as regarded bequests of land, the Disestablished Church ought to be placed on the same footing as the Roman Catholic Church; but did the Bill place the two on an equality? It did not, and he therefore wished to know whether the right. hon gentleman would bring up clauses to place the two Churches on an equality? As to the principle of public policy which prevented the right hon. Gentleman acceding to the proposal, he ventured to say there was no country in the world in which that principle, or the dread of ecclesiastical domination and spiritual influence, prevailed more than in the sister kingdom of Scotland. But did the law in that country say that gifts of land to a Church should be void? Not at all; the only limitation of the Scotch law was that the person who made a bequest of land for a religious or charitable purpose should have been seen at kirk or at market after he made it. He would venture to say that in no colony was a disestablished Church placed in so unfavourable a position as the disestablished Church of Ireland would be placed in by this Bill with respect to the bequests of land. On all these grounds the First Minister of the Crown was bound to assure the Committee he would bring up clauses to place the Disestablished Church on the same footing with respect to bequests of land as the Roman Catholic Church, or to show greater favour than he had shown to the Amendment.

MR. GLADSTONE said, he rose to reply to the challenge of the noble Lord (Lord John Manners), and he was glad of the opportunity it afforded him of removing some degree of misapprehension which probably existed in reference to this subject. The hon. Gentleman opposite (Mr. Bentinck) had read them a lecture on equality, and to use a phrase from the same side of the House, he (Mr. Gladstone) would say it was very refreshing to hear a lecture from that quarter on the principles of equality. But were they departing from the principle of equality in the proposal they made? This clause was of a limited character, its object being to incorporate the Church Body, and to give to it certain limited powers in regard to the holding of land. Now, that was a question totally distinct from the general state of the law in respect to the holding of land in Ireland. Apparently, and in the letter, an advantage was, no doubt, possessed by the Roman Catholic Church, which had the power, indirectly, through the Commissioners of the Charitable Trusts, of receiving bequests in land, without any specific limit; and the Government were now told that they ought to bring the clergy of the Disestablished Church under the provisions of the Charitable Trusts Act. In reply, he was bound to say that this Bill did not attempt to re-model generally the Law of Mortmain in Ireland. In his opinion, however, the Charitable Bequests Act ought not to be taken as the standard of their proceedings on this Bill. He was a Member of the Government of Sir Robert Peel that had passed that Act, and he could say that it was another of those buttresses of the Established Church of Ireland, and therefore an exception to general principles. How was it possible, at a time when the Established Church, having one-tenth of the people for its followers, held hundreds of thousands of acres, to place a specific limit to the property to be held in trust for the Roman Catholic Church under the Charitable Trusts Act, which was framed solely for the purpose of allowing the clergy of that Church to pick up some of the crumbs that fell from the rich man's table. That Act was passed to mitigate in some degree the remarkable anomalies connected with the Established Church. Was the House aware of the extent of the operations of that Act? Unless he (Mr. Gladstone) was misinformed, the extent of property held on behalf of the Roman Catholics under that Act was utterly insignificant. If the noble Lord approved of the principle of the Charitable Trusts Act, let him propose its application to the present Bill. It was one thing to constitute a Church Body a corporation, and allow it to hold land for itself, and another to set up a colourless representative of the State as a corporation in the face of the country, and allow that body to hold land on behalf of a religious community. He entirely agreed with the noble Lord and the right hon. Gentleman opposite (Mr. Gathorne Hardy) that there was no liberty given to any other religious body in Ireland which ought not to be given to the Disestablished Church. The proposition to put the Church under the Charitable Bequests Act would be a fair one for the noble Lord to make from his point of view, if he approved the Act. The general Law of Mortmain in Ireland required revision in connection with the Charitable Bequests Act or otherwise. The provision in the clause was forced upon the Government by the circumstances of the case; but the Bill did not propose any change for the sake of theoretical equality. They were compelled to constitute the Church into a corporation, and to say something as to the principles on which it should be regulated with regard to the holding of land. Let them do what was fair and reasonable, and then they would be the better prepared to revise the Law of Mortmain on the principle of perfect equality.

Lord JOHN MANNERS said, he observed that, whenever the right hon. Gentleman got into a difficulty with regard to the principle of his Bill, he invariably fell back on what he called "a buttress" required for the Established Church in Ireland. They were told, first

of all, that the *Regium Donum* was such a "buttress;" next, they had the same statement applied to the establishment of Maynooth College by Mr. Pitt; then they afterwards found it extended to the enlargement of the Maynooth Grant by the late Sir Robert Peel; and now they heard the Charitable Bequests Act described as a fourth "buttress" of the Established Church. But what was most remarkable was the use made of that "buttress." The use made of it was to prevent equal justice being done to the Disestablished Church in Ireland, as compared with the existing non-established religious communions. The right hon. Gentleman gave him (Lord John Manners) leave to bring forward clauses for placing the Disestablished Church on what might be called the "favoured footing" on which the Roman Catholic Church stood; but he had not gathered from the right hon. Gentleman's speech that he intended to give him his support and that of the Government in the event of his taking him at his word. Should, however, the right hon. Gentleman decline to support such clauses, and merely tell them that, at some time or another, he might probably undertake to remodel the Law of Mortmain as applied to the kingdom of Ireland, the provisions of the Bill would be open to the charge of dealing out one measure to the Established Church of Ireland, and another to the Roman Catholic Church.

Mr. CRUM-EWING said, that he thought it would be most dangerous to invest such a corporation as the Disestablished Church with the power of holding landed property. It would become an *imperium in imperio*. He earnestly hoped the Committee would not adopt the Amendment.

Mr. G. GREGORY said, the clause as it stood proposed to give an unlimited power to the Church Body to hold property, but limited its power to invest that property in land. The clause, however, did not prevent the Church Body from investing money upon mortgage, by which, to all intents and purposes, it might become the proprietor of an unlimited quantity of land. The Attorney General for Ireland must be aware that the direction of recent policy was to relax the Statutes of Mortmain, and that, at the present time, corporations held vast properties under the license of the Crown; and, therefore, there could be no reason why the Church Body should not be permitted to hold land without limitation. He did not see why the Church Body should be put upon a different footing from the Roman Catholic Church, for whom trustees held large quantities of land which practically belonged to that Church.

Mr. CHICHESTER FORTESCUE said, that the Government were prepared to accept the engagement which the noble Lord the Member for North Leicestershire (Lord John Manners) wished to impose upon them. His right hon. Friend the First Lord of the Treasury had stated his readiness to extend to the members of the Church any concession which might be made to other religious denominations in Ireland; and the only question was as to the application of the principle. The only possible inequality that could arise under the clause as against the Church Body would be due to the operation of the Charitable Bequests Act, which it was stated would create an inequality in favour of the Roman Catholic Church. It had been shown, however, that that inequality was more theoretical than real, because it was well known that, in the matter of the acquisition of landed property, the Charitable Bequests Act had been almost a dead letter. But such as that inequality was, his right hon. Friend had expressed himself as prepared at the proper time to correct it in one way or the other—either by a modification of the Charitable Bequests Act, or by the extension of that Act to the members of all religious communions, including the Disestablished Church. He presumed, however, that the Committee was not going to stultify itself by remedying that trifling inequality in the manner proposed by the Amendment, that was to say, by creating on the other hand a gigantic inequality, and erecting an ecclesiastical corporation which would tower over all other corporations, lay or clerical, throughout the country, in respect of having the sole and exclusive privilege of investing an unlimited amount of money in land.

Mr. ASSHETON CROSS said, he would beg to ask whether the provisions suggested by the right hon. Gentleman were intended to be introduced into this Bill? [Mr. Gladstone replied in the negative.] He must point out that, in that case, it was impossible that those provisions could be presented to the House for consideration during the present Session, and no one knew when they would be brought in. He trusted that if the right hon. Gentleman refused to introduce such provisions into the present Bill, the noble Lord (Lord John Manners) would take upon himself to do so by way of Amendment. As to the supposed danger from the wealth of the Church Body, he could only say, that if the Bill passed, people would probably not be so ready to give money to corporations as they had heretofore been.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 259; Noes 157: Majority 102.

Clause *agreed to.*

Clause 23 (Redemption of annuities and life interest of ecclesiastical persons).

Mr. DISRAELI: Sir, whatever views may have been altered during this discussion, mine continue unchanged; and the experience of every day more and more convinces me of the difficulties which we have to encounter in connection with this question. I think that they were bound, when proposing, as they admit, a revolutionary measure like the present, to prepare all that subsequent legislation, which they now tell us is necessary. Looking upon this Bill, as I do, with unaffected repugnance, and believing that we have embarked in an enterprize that may prove disastrous to the realm, I am equally of opinion that if it is to pass—and in Committee we ought to work upon the assumption that it may or will pass—we ought to do everything we can to facilitate its provisions being carried into effect. With this view, therefore, I have considered this important clause, by which the redemption of the annuities and life interests of ecclesiastical persons is provided for under certain circumstances and certain conditions. It is proposed in the Bill that the representative body of the Church may assent to the Commissioners commuting the annuity or the value of the life interest of any ecclesiastical person; and that upon a person applying to the Commissioners they may pay the capital sum for that interest to the representative body of the Church. Now, it is evident that this may be a very long operation, and probably there would be a very considerable period before any great result could be accomplished. All must, I think, deprecate an operation of this character being carried on in so desultory and fragmentary a manner; and it is highly desirable that if this great result is to be accomplished it should be accomplished as soon as possible. With this view I propose an Amendment to the effect that the repretative body itself shall apply to the Commissioners for a commutation of the life interests; and that the Commissioners themselves, after they have ascertained and declared the aggregate amount of the yearly income, shall then commute this value, and capitalizing the amount, pay over that capitalized sum at once to the ecclesiastical body. This appears to me to be a course that recommends itself to all who have any regard to common sense; for if an operation of this kind is to be achieved, it should take place as soon as possible, and as completely as possible. If it could be done within a year it would be most advantageous to the country. I, therefore, propose instead of every individual—by the somewhat complicated course proposed in the Bill—applying to the Commissioners—for I do not see any satisfactory solution of the question if that course is pursued —I propose that, by the simple machinery contained in my Amendment, the whole capitalization shall take place at once, and I hope that, with the sanction of the Government, I may induce the Committee to assent to this. If this should be agreed to it would remain for us to consider the period upon which the commutation should be calculated. As far as I can gather from the general scope of the Bill, from the speeches of the First Minister of the Crown, and from casual observations made during these now somewhat protracted debates, I think that the mean term that would meet the justice of the case, and the arrangement that would be satisfactory to both sides of the House, is what I propose—that the capitalization should be made at the rate of fourteen years' purchase. This arrangement, if adopted, would greatly facilitate the settlement of the question now before us, and although, at the time that this clause was originally framed, the proposal it embodied was, no doubt, the best that suggested itself to the mind of the Government, I trust that their candour will induce them to acknowledge that the course I now propose is infinitely preferable. If the Committee should agree to what I have mentioned as a mean term, it appears to me that we shall have come to a settlement of this, which is, perhaps, not the least important clause in this measure, with less difficulty than has been generally anticipated. The right hon. Gentleman, in conclusion, moved his Amendment.

Amendment proposed, to leave out from the word "Church," in page 8, line 24, to the word "Any," in page 9, line 6, in order to insert the words—

"It shall be lawful for such representative body, at any time between the first day of January one thousand eight hundred and seventy-one, and the first day of January one thousand eight hundred and seventy-two, but not afterwards, to apply to the Commissioners for such commutation of life interests as hereinafter mentioned, and thereupon the Commissioners shall ascertain and declare the aggregate amount of the yearly income to be computed as mentioned in Section 14 of this Act, of all persons holding, on the first day of January one thousand eight hundred and seventy-one, any archbishopric, bishopric, benefice, or cathedral preferment in or connected with the said Church, and also the aggregate yearly value as on that day of any ecclesiastical property passing to the Commissioners, on the death of such holders, such yearly value to be the full and true value of the property after deducting all rates and taxes other than income tax, and to include the benefit (if any) derived from fines paid on renewal of leases on an average of fourteen years preceding the first day of January, one thousand eight hundred and sixty-nine; and the Commissioners, if the representative body shall satisfy them that such incomes and life interests are unincumbered, or, if incumbered, that the incumbrancers consent to the commutation, and also that the persons entitled to such incomes and life interests have consented in writing to such commutation and payment as herein mentioned, or, as regards those who have not so consented, that the due and punctual payment for their respective lives of the annuities which would be coming to them under Section 14 of this Act, and of the said yearly value of their life interests, has been secured to them respectively by the said representative body, to the satisfaction of the Commissioners, shall pay to the said representative body a capital sum equal to fourteen times the amount of such aggregate yearly incomes and life interests; and, upon such capital sums being paid, the several annuities provided for such persons under Section 14 shall not take effect or shall cease (as the case may be), and all the estates and interest of such persons in such ecclesiastical property shall vest in the Commissioners,"—(*Mr. Disraeli,*)

—instead thereof.

Mr. GLADSTONE said, he quite agreed with the right hon. Gentleman

(Mr. Disraeli) that the consistent course for those who, like himself, felt a repugnance to this Bill was to amend its provisions, so far as they might be able to induce the House to agree with their views, and he had not the least doubt that that was the spirit and intention with which the right hon. Gentleman had proposed the Amendment. The immediate effect of that Amendment would be to increase the compensation given to the Church. The Amendment had fallen rather out of harmony with the general plan of Amendments of the right hon. Gentleman, in consequence of the Committee having declined to substitute 1872 for 1871. As it originally stood, the ordinary income of the Church would have continued till 1872. But he had objections which went to the substance of the proposition, and which he would endeavour to state to the Committee. In the first place, the clause would interfere with the individual liberty of clergymen as to commutation. He admitted that, in effecting the great changes contemplated by this Bill, it would be impossible to leave every individual precisely in the same condition which he now occupied; but he also thought it was their duty, and that it was highly politic, to confine those changes within the narrowest possible limits; and he could not understand why they should force the clergy, as a body, to proceed upon the principle of commutation implied in this Amendment. It was proposed that before the Church Body could carry out the commutation in the case of persons who did not consent to it, they should show that the due and punctual payment of the annuities was provided for. Were the Commissioners, then, to enter into the whole pecuniary position of the representative body, to examine its solvency, and satisfy themselves that the representative body had made such arrangements as would insure the payment of annuities, some of which would last for thirty, and even for forty or fifty years? The obvious effect of such a provision would be to make the Commissioners interfere at every point with the pecuniary arrangements of the Church Body, to exercise a virtual control over every investment which the Body wished to make, probably to compel the Church Body to accept less profitable securities than they would otherwise invest in, and thus raise a conflict of interest between the State and the representative body. But suppose the Commissioners satisfied themselves that the pecuniary arrangements were satisfactory, and the money would be paid. What would this amount to? It would be nothing else than a Parliamentary guarantee. It was quite impossible that the Commissioners could, under the terms of this clause, subscribe a document declaring that, in each case, the payment of the annuities had been secured by the representative body without entailing this consequence, that, if the arrangements of the representative body proved insufficient or unsatisfactory, the faith of the State would be pledged to every one of these annuitants, and the State would have to bear the whole responsibility for the good or bad finance of the body. It was impossible for the House of Commons to undertake this liability. He had another word to say with regard to the fourteen years. If they were to increase the commutation money, it should be increased upon some intelligible principle; but the principle laid down by the right hon. Gentleman was not intelligible. He had referred to a declaration that fourteen years was about the mean value of the life interests compensated by the Bill. That was true, but it was not the mean of the life interests affected by this clause. There were five principal classes of life interests—the life interests of Bishops, of incumbents, of persons connected with cathedrals, of curates, and of Presbyterians. Of these, the life interests of curates were the best. They came to either sixteen or seventeen years' purchase. The life interests of the Presbyterian ministers were the next best, and they came to something under fifteen years' purchase. The life interests of persons connected with cathedrals, on account of the great varieties of age, were the third best; these fell under fourteen years. The life interests of incumbents fell yet more considerably under fourteen years, and those of Bishops, invariably men who had reached a respectable maturity, fell yet more under the line of fourteen years. In the Bill he had had to deal with these five classes of life interests, of which two were above and three under fourteen years; but the right hon. Gentleman struck off the two above fourteen years, and then took the fourteen years as the mean of the three classes, everyone of which was under that line. It was quite plain that such a proposal would not hold water. How, for instance, would you deal with the Presbyterian clergy? There should be uniformity of treatment, and therefore the right hon. Gentleman would take fourteen years as the mean in their case. The classes referred to in his clause would gain a year or a year and a-half. But if you proposed to deal with the Presbyterian clergy on the same footing, they would reply — "No, narrow as our stipends are, and small as is the commutation to which they entitle us, at least do not clip and curtail us in respect of that natural advantage of which you cannot deprive us—namely, our age." While in the Established Church a man did not usually come to his living before thirty-five or forty years of age, Presbyterian clergymen obtained it at twenty-four or twenty-six, and, therefore, commutation based upon fourteen years' purchase would deprive them of the compensation to which they were entitled. He objected, then, to the clause upon three grounds—because it would interfere with the free action of individuals; because it put the State, through the Commissioners, in an entirely false position relatively to the representative body of the Church; and because of the inaccurate figure adopted in the clause as the mean value of these particular commutations. It was impossible, therefore, for the Government to accede to the proposal.

Dr. BALL said, he apprehended that the larger number of persons would be quite willing to commute, and he thought that no injustice would be done to individuals under this clause. It was unreasonable in such a case that a minority should be able to oppose a proposition of great utility and fairness. This Bill was by no means an original one. It was modelled upon the case of the Church in Canada, and, he believed, that the number of the clergy who refused to commute there was extremely small. But it was scarcely fair that they should be able to hold out separately from the rest, because the representative body would be just like an insurance office in this respect —they could not undertake to pay the annuities unless a large number of persons came into the arrangement, and unless, therefore, there was a large area over which the calculation ranged. A calculation respecting lives was not certain as to a few individuals, but it was absolutely certain as to a large number of individuals. If a clergyman were shown ample security for his money, he did not think that there was any interference with his freedom of action. As to the fourteen years, he admitted that the right hon. Gentleman might say this was a greater age than the mean affecting those classes: that the clergy were only worth thirteen and the Bishops twelve. But when the right hon. Gentleman dealt with Maynooth and the *Regium Donum*, he was able to find that fourteen years was an exact measure of the value of the lives concerned there. The arrangements contemplated by the 39th clause for compensations in these instances were based upon that assumption. Now, the mode adopted in the 39th clause was, he contended, the true mode to adopt, because it did not weigh out the compensation to be given in grains and scruples, but fixed it at fourteen times the annual value, which was a fair round sum. He did not say it was the right figure, but fourteen was the Government's own multiplier. The mode proposed in the clause under discussion was a miserable and poor way of proceeding.

The ATTORNEY GENERAL for IRELAND (Mr. Sullivan) said, he could not understand why any individual clergyman who would, under the operation of the Bill, be guaranteed his £500 or £600 a year, should be compelled to surrender it and take security which he would not himself voluntarily accept. Why should that House force the whole of the incumbents of the Irish Church to surrender their life-estates in land at the dictation of the governing body? Yet that was the proposal made by hon. Gentlemen opposite, who were constantly speaking of vested interests, because they found it convenient to alter the principles on which the Bill was based, when an endowment might be obtained by the Church by force. He maintained that the moment a man was compelled to submit to the jurisdiction of the Commissioners in the matter, the nature of his vested interest was annihilated. The Amendment was, in fact, but a repetition of the attempts which had already been made in several proposed Amendments which really pointed to endowment over again. It was a total mistake to say that any part of the Bill gave the Presbyterians fourteen years' annuity as compensation for what the ministers received from the *Regium Donum.* There was a clause having that effect where the annuities of widows were concerned; but the Committee must not anticipate the discussion on that clause. The cases of the Presbyterian College at Belfast and Maynooth were exceptional, and what was proposed with regard to them could, he believed, be as well defended at the proper time as any other part of the Bill. He hoped the Amendment would be rejected.

SIR ROUNDELL PALMER said, he was desirous of stating the reasons why he should support this Amendment. The Government might succeed in carrying the clause, but those who might be in a minority would do right to state their opinions and to leave them upon record. And in saying this he would bear testimony to the courtesy which, in the main, had been extended to them. His reason for supporting the clause was, that it gave some small chance of doing some little justice to those for whose vested interest no provision had been made — he meant the laity. If this general system of commutation were established, there might be some means of retaining some small provision for those whose claims would be otherwise ignored. Let it not be said that the difference between the Government and their opponents was simply one between endowment and the reverse. He believed the intention of the Government to be, within certain limits, to give a chance of saving something out of the property of the Church, and he recognized a generous intention, so far as it went in that direction. The question was whether they might not give fuller and more perfect effect to that generous intention. He understood there were three objections to the Amendment—first, that it dealt unfairly with the individual by subjecting him to the general commutation without his own consent; secondly, that they might involve the State in a sort of implied guarantee if the Commissioners should be mistaken in the judgment they might form as to the security given for personal interests; and thirdly, that fourteen years' purchase was an improper amount on which to fix. In the first place, as to the unfairness of dealing with the individual, without allowing him to exercise any sort of power. On this point he could not help saying that he was very much struck with the way in which the argument varied from clause to clause. He received information, last night, not from the Government, which led him to believe that this Bill would not be proceeded with to-night, and in consequence he was absent during the earlier part of the evening; but he had since been told that an Amendment which he had placed on the Paper was taken some notice of. The object of that Amendment was to prevent any clergyman, who received an annuity by way of compensation under this Bill, from losing his annuity in the event—which he owned was very unlikely—of the representative body making alterations in the terms of communion, as to doctrine, discipline, or any other matter with which he could not comply; and he was told that when that point came on for discussion the right hon. Gentleman said that, in a matter of that kind, the interest of individuals must be subordinated to the discretion of the general body. ["No, no!"] He begged pardon; he had been misinformed. [Mr. GLADSTONE here made an observation to the hon. and learned Gentleman.] He was happy to have received the right hon. Gentleman's correction. The right hon. Gentleman said that these individual interests must be subject to the discretion of the general body to a certain extent. Well, but this Amendment made the interests of individuals subject to the discretion of the general body only to a certain extent. The question whether the exercise of that discretion would give sufficient security to the individual or not would be left to the determination of the Commissioners who were proposed to be nominated under the Bill, and who were to be the final judges of questions of compensation and of a great number of other matters equally affecting the interests of individuals. Then, he said, why in the world should it be supposed that these Commissioners would be unable to form a correct judgment as to whether the interests of a small number of dissentients were sufficiently secured by the general body? In his judgment, it was only fair and right that they should incur this infinitesimal risk of an individual clergyman for the sake of the general interests. As to the second objection, he would remark that the very object of the Bill was to make a final settlement, and, if there were not a guarantee on the face of the Bill itself, everyone would understand that the interest of the individual had been left subject to the judgment of the Commissioners. As a mere matter of law, no man could dispute that an individual would have no sort of claim against anybody except the representative body of the Church. Last of all came the objection of fourteen years' purchase. Now, the point of view from which he looked at the question was this, that some regard was due to the permanent interests of the laity of the Church. He was unable to see why the same measure of justice should not be dealt out to the permanent interests of the laity of the present Established Church that was dealt out to the permanent interests in Maynooth and the Presbyterian institutions. He was not satisfied—though he might be obliged to acquiesce—at being told that this would be explained when they came to the 39th clause. He owned he saw no good reason why it it should not be explained at once. He wished it to be observed that he did not complain of the measure of justice that was about to be dealt out to Maynooth, and to the Presbyterians. On these points he would go with the majority, however that majority might deny him what he thought justice on this and on other points. He thought too much was not proposed to be given either to Maynooth or to the Presbyterians; but he noticed that under the 39th clause those bodies would be allowed certain annual sums not payable to individuals for their life interests; and he said, from the point of view from which he looked at the matter, that it was just and reasonable that the Committee should agree to this Amendment, which would give to the laity of their own Church in Ireland a chance of obtaining the same benefits, consistently with the protection of the individual interests of the clergymen, by means of commuting them.

Mr. WINGFIELD BAKER said, he wished to ask whom the hon. and learned Gentleman (Sir Roundell Palmer) called the laity of Ireland, and where were the permanent interests to which he alluded? For his own part, he thought the laity were the majority of the people of Ireland, and the permanent interests were the interests of the great body of the people.

Mr. CHICHESTER FORTESCUE said, the object of his hon. and learned Friend (Sir Roundell Palmer) was one which he was not sure was shared by the proposer of the clause. His hon. and learned Friend wished to provide for the laity, whom he said the Government had totally and unfairly neglected. Now the Government never professed to provide for any supposed vested interests of the laity. A Bill for the disendowment and disestablishment of the Irish Church, which, at the same time, professed to provide for the vested interests of the laity, would be an absolute folly and self-contradiction. But if they had proposed to provide for the interests of the laity, they would have carefully avoided doing so by the method proposed by his hon. and learned Friend, which was the sacrifice or the endangering of the vested rights of the clergy. The effect of the Amendment would be this—that in every case it would destroy the free discretion of every individual clergyman in the Irish Church, and would transfer that discretion to other parties. It would depend first upon the Church Body, and next upon the Commissioners, whether any particular clergyman should be brought within the compulsory powers proposed to be conferred. The case of Canada had been referred to, but he denied the justice of the parallel, for though a good deal of commutation did take place there, yet every clergyman had the right to refuse his assent, and there was one case of a celebrated clergyman that withheld his assent to the last. Under the proposal now made no such discretion could be exercised—no such case as that of the Canadian clergyman could exist, though many Irish clergymen might desire to take the same course. It was perfectly true, as had been stated by his right hon. and learned Friend the Attorney General for Ireland (Mr. Sullivan), that this was not a simple question of fixing the amount of the annuity, for it involved, in very numerous instances, the change from the position of a landowner into that of an annuitant. They had carefully distinguished between tithe rent-charge and ownership of property; but they were now called upon to sweep away that distinction, and to transform the clerical landowner into an annuitant in every case. Then as to the fourteen years which his hon. and learned Friend thought was fair and right, because it had been adopted in other cases, and for other purposes. He denied the justice of his hon. and learned Friend's allegation. In every case of life interest, whether the individual was clergyman or layman, the true life interest had been taken, though there were a few exceptional cases in which, not the maintenance, but the education of the clergy, and purposes of charity were concerned, where they could not go upon a life interest, and were obliged to take a commutation at an arbitrary number of years' purchase.

Mr. NEVILLE-GRENVILLE said, he felt grateful to the hon. and learned Member for Richmond (Sir Roundell Palmer) for having called attention to that very important matter in connection with this measure—the interests of the laity. The interests of the impropriators, of the incumbents and curates, and of vergers and choirmen, had been much discussed and well-cared for; nay, the class of permanent curates had even been invented, or, at least, resuscitated, for the purposes of that Bill; because last Session considerable trouble was taken to extinguish the class of perpetual curates in the Established Church. Indeed, the interests of every class, but the poor scattered congregations throughout Ireland, who would be the real sufferers from the measure, and for whom he felt most concern, had been provided for in that scramble for the plunder of the Church.

Sir JOHN GRAY said, he thought the Committee ought scrupulously to avoid doing anything by way of compulsion to make the incumbents capitalize the annuities offered them as compensation for their vested interests. Those annuities, if so capitalized, would form a permanent endowment for the Church which they were professedly disestablishing and disendowing; and it would convert an assailable endowment into an unassailable one. As to providing compensation for the Protestant laity in Ireland, that laity had always taken good care of themselves. Go to any district or diocese of Ireland, and it would be found—to use the words of Bishop Bramhall's biographer—that the print of their sacrilegious paw was upon everyone of them. Let the Irish Protestant laity manfully come forward to support their own Church, and not ask the public to do so. They had obtained quite enough out of the funds of the Church to be able to support their own religion without personal loss or inconvenience. It is admitted that the Protestant Parliament of Ireland by abolishing the tithe of adjustment transferred from the Church to the pockets of the landlords four-fifths of the tithes of that kingdom; and any person who will take the trouble of enquiring into the present condition of the Episcopal lands will not fail to see that the Church gets about one-sixth of the rental value, and that the Protestant landlords divide amongst themselves, in various proportions, the remaining five-sixths. The Protestant laity of Ireland can therefore well afford to sustain their ministers, and will have in their pockets a large surplus of the property the nation set apart for ecclesiastical purposes after paying for their own Church administrations.

Mr. PERCY WYNDHAM said, he should like to know why the right hon. Gentleman at the head of the Government thought that the individual interests of the incumbents of Ireland were more likely to suffer at the hands of the Commission than the individual interests of the professors and students of Maynooth at the hands of the trustees of the College. He should also like to hear the ground of the distinction which the right hon. Gentleman drew between the interests of the professors and students of Maynooth College and the interests of the incumbents in the Established Church. Maynooth and the Protestant Episcopal Church were both ecclesiastical Establishments, and should be dealt with on precisely similar grounds and on the same terms. It was said the intention of the Amendment was to confer permanent endowments on the Irish Church. Then he answered that it was the intention of the right hon. Gentleman at the head of the Government to confer permanent endowments on Maynooth. The Bill went far beyond the individual interests of the professors and students of Maynooth; and if the right hon. Gentleman adhered to his present proposal in regard to that College, there was no ground of justice or of common sense for his refusal to accept the Amendment before the Committee.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 294; Noes 194: Majority 100.

Sir HERVEY BRUCE said, as it was past twelve o'clock, he thought the further progress of the Bill should be postponed, and accordingly moved that the Chairman report Progress.

Mr. GLADSTONE said, there was no other Amendment to the clause, and he hoped the Committee would not object to pass it.

Mr. DISRAELI said, the clause was a very important one, and he should himself approve their reporting Progress. But it would certainly be in unison with the usual practice to adopt the clause, and, therefore, he hoped his hon. Friend would not press his Motion.

Motion, by leave, *withdrawn.*

Clause *agreed to.*

House *resumed.*

Committee report Progress; to sit again upon *Monday* next.

CHURCH TEMPORALITIES (IRELAND) COMMISSIONERS. [ADVANCES.]

COMMITTEE.

Considered in Committee.

(In the Committee.)

Mr. GLADSTONE in rising to propose a Resolution of which he had given Notice, said, that under the provisions of the Irish Church Bill what were, in point of law, advances would not be, in point of fact, advances, as far as regarded the necessity for cash. They would be, in point of fact, credits upon paper. Commutations might probably require large advances of cash, which could be conveniently made, conformably to the Bill, by the Commissioners for the Reduction of the National Debt; but as that involved a public charge, it was necessary to have a Resolution to constitute it, and when that Resolution was reported he should be able to place on the table various clauses which would explain the financial part of the proposition. He concluded by formally moving the Resolution.

Resolved, That the Commissioners for the Reduction of the National Debt be authorized to advance, with the consent of the Commissioners of Her Majesty's Treasury, to the Commissioners of Church Temporalities in Ireland to be appointed by any Act passed in the present Session of Parliament "to put an end to the Establishment of the Church of Ireland, and to make provision in respect to the temporalities thereof, and in respect to the Royal College of Maynooth," such monies as the said Commissioners of Church Temporalities may require to raise for the purposes of the said Act; and that it is expedient to authorize the Commissioners of Her Majesty's Treasury to guarantee the repayment to the said Commissioners for the Reduction of the National Debt of any monies so advanced.

House *resumed.*

Resolution to be reported upon *Monday* next.

MILITIA BILL—[Bill 82.]

(*Mr. Secretary Cardwell, Major Vivian.*)

THIRD READING.

Order for Third Reading read.

General PERCY HERBERT called attention to the fact that the 2nd clause, which gives power to attach officers of the regular forces to the Militia, did not embrace non-commissioned officers, which it was desirable to do.

Mr. CARDWELL said, he did not see any objection to including non-commissioned officers.

Bill read the third time and *passed.*

CONSOLIDATED FUND (£17,100,000) BILL.

Bill "to apply a sum out of the Consolidated Fund to the Service of the year ending the thirty-first day of March, one thousand eight hundred and seventy," *presented,* and read the first time.

CUSTOMS AND INLAND REVENUE DUTIES BILL.

Bill "to grant certain Duties of Customs and Inland Revenue, and to repeal and alter other Duties of Customs and Inland Revenue," *presented,* and read the first time. [Bill 95.]

COURTS OF JUSTICE SALARIES AND FUNDS BILL.

Bill "for amending the Law relating to the Salaries, Expenses, and Funds of Courts of Law in England," *presented,* and read the first time. [Bill 96.]

House adjourned at half after Twelve o'clock, till Monday next.

HOUSE OF LORDS,

Monday, 26th April, 1869.

MINUTES.] — *Sat First in Parliament*—The Lord Cloncurry, after the death of his Father.
PUBLIC BILLS—*First Reading*—Adjutants (Jury) Exemption * (75); Militia * (76).
Second Reading—Sea Birds Preservation * (54); Norfolk Island Bishopric * (73).
Select Committee — Ecclesiastical Courts (2); Clergy Discipline and Ecclesiastical Courts (26), *nominated.*

AGRARIAN OUTRAGES (IRELAND).

POSTPONEMENT OF NOTICE.

VISCOUNT LISMORE, who had given notice to ask, Whether, having regard to the facts that within the last few months five open-air assassinations—independent of other agrarian outrages—have been perpetrated with absolute impunity in the one barony of Clanwilliam, in the county of Tipperary, it is the intention of the Government to adopt any immediate measures, repressive or remedial, for the protection of human life in that district?—having risen to put his Question—

EARL GRANVILLE: I wish to state publicly, what I have already communicated privately to the noble Viscount, that since I have been in the House I have received a telegram from Earl Spencer, that he is desirous that the Question of which the noble Viscount has given notice should be postponed.

VISCOUNT LISMORE: At the request of the noble Earl I shall for the present withdraw my Notice; but I reserve to myself the full right to put the Question at a future time if I should think it necessary.

THE MARQUESS OF BATH: It is all very well for the noble Viscount to postpone the Question for the convenience of the Lord Lieutenant of Ireland; but I think the convenience of gentlemen in Ireland who are being murdered so frequently ought also to be considered. At any rate, I think the Government should take an early opportunity of stating to this House or to the other House what measures they mean to adopt for the pacification of Ireland, and in what way they mean to deal with the land question, which is at the root and is the origin of the contempt and defiance of all law which prevails, and is on the increase in Ireland.

THE MARQUESS OF WESTMEATH: I hope that—I will not say the Government, for it is an abuse of words to call them a Government with regard to their administration of the affairs of Ireland—I hope the Administration will, on the part of the Prime Minister, inform us what is the maximum of assassination that, in their opinion, ought to be permitted before he thinks fit to suspend the prosecution of the matter which he is now undertaking in "another place," for the purpose of turning his attention to this important subject. When he introduced that measure the Prime Minister spoke of it as a panacea for all the ills of Ireland; but, though I am not going to anticipate the discussion of that question, I must say I have not the slightest faith in it as a means of pacifying Ireland. Therefore, unless something important has happened within the last few days, I do not think the Government are entitled to any forbearance in this matter.

LORD CAIRNS: The answer to the Question that was to have been put by the noble Viscount is a matter in which we all take a deep interest, and therefore, although the Question is not to be put to-night, I should like to ask the noble Earl opposite on what day he will be prepared to give an answer to a similar Question; and also whether the reason why it cannot now be answered is the personal convenience of the Lord Lieutenant; or whether it is because there are measures in contemplation by the Lord Lieutenant, the mention or discussion of which in this House would be inconvenient?

EARL GRANVILLE: I am surprised that the noble and learned Lord should have concurred with the noble Marquess (the Marquess of Bath) in thinking that this request of the Lord Lieutenant had anything to do with his personal convenience. I am sure that upon a subject of this sort your Lordships would not for a moment consider what would be for the convenience of yourselves. The Lord Lieutenant's motive is that he thinks there are reasons why the case should not be entered into at this moment, because it might defeat the ends of justice. I am sure that is a reason which your Lordships will all accept, and which will also prevent me from fixing any exact day on which I can undertake to answer the Question.

THE EARL OF MALMESBURY: The reason that the noble Earl has assigned—that it would be inconvenient to the public service to answer the Question—is one which is always accepted by your Lordships; but I think he ought to tell us that the day is not far removed when a discussion of this kind may, for the credit of the House, be entered into. It is impossible for this House to sit silent when crimes like these continue, and are renewed almost daily. I have heard this moment of another frightful assassination of a most respected and estimable magistrate in Tipperary; and these announcements are now coming at the rate of two or three a week. It is impossible, I repeat, for the House of Lords under these circumstances, to refrain from asking the Government when and how they propose to interfere to put an end to this state of things. Surely we are not asking too much of the noble Earl if we inquire whether, at an early day, he will allow the House to take this subject into its consideration?

EARL GRANVILLE: The answer I have already given to the noble and learned Lord opposite is one that was constantly given to us last year by the noble Earl when he sat on this Bench, and it was always accepted by us without criticism. I trust that it is neither disrespectful nor discourteous to your Lordships to state that Earl Spencer thinks that to answer exactly what the noble Viscount demands, and to state how we are going to deal with these particular assassinations, would not only convey information to your Lordships, but also to those very persons whom it is most desirable to leave in the dark.

ECCLESIASTICAL COURTS BILL. CLERGY DISCIPLINE AND ECCLESIASTICAL COURTS BILL.

NOMINATION OF COMMITTEE.

Order of the Day for the Nomination of the Committee on these Bills read.

EARL NELSON complained that, in consequence of the reduction of the number of members of which the Committee was to consist—instead of seventeen lay and six spiritual Peers, as first proposed—the Committee would now be composed of ten lay and five spiritual Peers; so that the proportion between the lay and spiritual elements had been materially disturbed. He objected to the appointment of so many spiritual Peers on the Committee, for the Bishops could not be regarded on this question as representing the parochial clergy. He also regretted the omission of the noble and learned Lord on the Woolsack. It was desirable that the Committee should amalgamate the two Bills; but, when the measure came back, he hoped the House would not be debarred from canvassing its provisions carefully in Committee of the Whole House.

EARL GRANVILLE said, that the House would be able to make any alterations in the Bill when it came down from the Committee.

Then the Lords following were named of the Committee:—

L. Abp. Canterbury.
L. Abp. York.
Ld. President.
M. Salisbury.
E. Shaftesbury.
E. Portsmouth.
E. Carnarvon.
E. Beauchamp.
V. Halifax.
L. Bp. Oxford.
L. Bp. Ripon.
L. Bp. Gloucester and Bristol.
L. Portman.
L. Westbury.
L. Cairns.

TENURE (IRELAND) BILL.—(No. 36.)

(*The Marquess of Clanricarde.*)

POSTPONEMENT OF COMMITTEE.

Order of the Day for the House to be put into a Committee, read.

Moved, "That the House do now resolve itself into a Committee."—(*The Marquess of Clanricarde.*)

EARL GRANVILLE: My Lords, as I stand in a somewhat peculiar position with regard to this Bill, I venture to ask your Lordships' indulgence in making a few observations upon it, and in referring to what passed on a former occasion. Your Lordships will remember that the noble Marquess (the Marquess of Clanricarde) proposed the second reading of the Bill in a remarkably temperate speech, and in a tone of great courtesy towards Her Majesty's Government. He defended its provisions, and took occasion to advert to certain revolutionary doctrines with regard to the rights of property, which he very properly denounced. It was my duty to follow him—not in order to give my individual opinion, but to state the decision at which the Government, after serious and earnest deliberation, had arrived, the decision being one in which I entirely concurred. I stated that, in the opinion of the Government, it would be desirable, if it were possible, finally to settle this question at once; but that the state of Parliamentary business made it impossible for them to attempt to propose a measure this Session with any likelihood of passing it into law. I further stated that an attempt followed by failure would not only be discreditable to the Government, but would be exceedingly prejudicial to the object which we all had in view; and that the Government, while admitting that the Bill contained many excellent provisions, thought the example of successive Governments was a proof that it was not sufficient to settle the question. I then expressed a hope that, by making use of the labours of the Committee of your Lordships' House, and by carefully considering the different propositions made by successive Governments, and other reasonable suggestions, they would be able, while avoiding anything like a subversion of the rights of property—which the noble Marquess had denounced and which I had condemned—to frame such a measure as would satisfy judicious and intelligent men of both parties, and would effect a satisfactory settlement of the relations of landlord and tenant. In the course of the debate, moreover, we clearly explained that we would not take the unprecedented and most injudicious course of publishing now an outline of a scheme which we had no hope of embodying in a Bill before next Session. Well, that course was criticized from both sides of the House. My noble Friend whom I do not see present (Lord Athlumney) advanced his views with great moderation, and, speaking with the authority which his long attention to the subject gave him a right to do, he gave a friendly warning to the Government of the difficulties which we should have to meet in introducing any provisions beyond those contained in the Bill; at the same time he expressed his great satisfaction with the assurance given by my noble Friend (the Earl of Kimberley) and myself that we should not propose anything in the least subversive of the rights of property. The noble and learned Lord (Lord Westbury) followed him; and I am bound to say that though he put a little more spirit into his criticism than my noble Friend, his speech was a good-humoured one. He indulged somewhat in a sneer at the Government having found it necessary to answer the question whether they meant to respect the rights of property, and he passed a very just eulogium on the labours of the Committee—adding that he had attended all its meetings at which the services of any lawyer were required. The only inference I can draw is that the Committee was very seldom in want of such services, for if the noble and learned Lord will refer to the number of his attendances he will find that they made no great tax on his time. He expressed approval of the Bill, although it falls immeasurably short of the principles which he laid down as a Law Officer of the Crown, in 1855, in a remarkable speech—principles which frightened all the Conservative lawyers in the House of Commons out of their seven senses. He was, however, perfectly impartial, for, while asking us to speak out, he asked noble Lords opposite to do the same. The noble Marquess opposite (the Marquess of Salisbury) had already spoken, and had stated—a fact with which I was not previously acquainted—his personal objection to well-balanced and antithetical sentences, paying an unmerited compliment to the slip-slop English in which I had addressed your Lordships. The noble Marquess, with the greatest fairness and candour, said he did not in the slightest degree complain of the Government for not attempting legislation on the subject this year; but he laid down a theory of which I have certainly some doubts, as to the necessity of having no diplomatic reticence on the part of the Government—he did not even tell us what was the character of the declaration which he wished us to make, and he refrained from saying whether he approved those provisions of the Government Bill which he had officially sanctioned, and which were criticized by Members of this House. Well, the noble and learned Lord opposite (Lord Cairns) rose with considerable alacrity in response to the appeal of the noble and learned Lord (Lord Westbury); but, so far from stating his opinion, he did not even attempt to defend those provisions of the Bill of the late Government which had been attacked—he gave no views of his own, and did not even inform us whether he was of the same opinion with regard to retrospective compensation as some years ago. The noble and learned Lord had recourse to a proceeding which I must say I think is not a very convenient one, and which I should have thought repugnant to his judicial habits. Without notice, without reference, without dates, he quoted from memory certain fragmentary sentences of speeches which he remembered to have seen reported—where, he could not tell—and made by two Members of the House of Commons, who, of course, were not here to explain or deny those quotations. The result has been, as I anticipated at the moment, that both Mr. Gladstone and Mr. Bruce deny that they ever used the expressions or arguments attributed to them in the quotations of the noble and learned Lord, as reported in *The Times* and the *Standard* of last Wednesday. Another attack was made on the Government by the noble Earl on the cross-Benches (Earl Grey.) He began by expressing regret at what I had said—and I am bound to say that for the last twenty years I hardly remember half-a-dozen cases in which the noble Earl, immediately following me in debate, did not begin his speech with one of two declarations—the one that he had heard with the deepest regret all I had said, the other that strong as had been his previous opinion, that opinion had been intensified and strengthened by all the arguments I had used against it. The noble Earl went on to say that the course I had pursued was most undignified, and was unworthy of a person having the honour of being a Servant of the Crown. Moreover, because Her Majesty's Government, with a due sense of their responsibility, did not take the course which he pointed out and desired, he held them solemnly responsible before the House and the country for the outrages and murders in Ireland—things which have been the bane and misery of Ireland for years, and the last outbreak which commenced before the present Government assumed Office. I stated the other day that I regard my noble Friend as a privileged person, and it is impossible that any personal attack will affect my regard and friendship for him; but I really would put it to him whether it was desirable that a man of his high character and reputation should set the first example of infusing a spirit of violence into our discussions on a subject which, above all others, requires the most judicial consideration, and which had been conducted up to that night with an utter absence of personal and party feeling. I am sure my noble Friend, though he has found one imitator to-night, will not, on reflection, think that was a desirable course. I will add another thing which cannot have escaped his strong insight and clear mind—that, when indulging in this exaggerated indignation and suspicion towards the Government, he conveys to those who do not know him as well as we do, to ignorant persons in Ireland, that he has some secret means of knowing the hidden views of the Government which his words do not fully express. The noble Earl maintained that there were only two proper courses before us—either to oppose the Bill, the greater part of the details of which we approved, or to support the second reading and amend it in Committee. Now, I must say that this advice does not come with particular favour from the noble Earl, who failed to persuade the Committee to commit themselves to the opinion that no further provisions should be inserted in the Bill than those it already contained, and who on two occasions in this House contended that any further provisions that might be suggested must be of the most dangerous character. Putting that, however, aside, it is obvious that to adopt this Bill, and change it in Committee, is tantamount to introducing a Bill of our own, but in a much less convenient way. My noble Friend says nothing is easier, if we choose, than to legislate at once on this matter. Now, it is all very well for my noble Friend, who is perfectly irresponsible as to the conduct of affairs in the other House, to make such a declaration; but I have drawn up a list of the business which will already occupy that House. I will first take the Bills recommended by Her Majesty in her most gracious Speech. There is the Endowed Schools Bill, which is sure to lead to frequent discussions, on account of the religious and vested interests involved, when it comes up from the Select Committee. Then there is the Scotch Education Bill, in pressing which my noble Friend (the Duke of Argyll) has been very zealous, but which is not to be galloped through even in this House. There is a Bill relating to Assessed Rates, and affecting the elective franchise, and which is sure, therefore, to excite discussion. Then there is the Bankruptcy Bill, and also the Bill for abolishing Imprisonment for Debt, measures in which legal and mercantile men take much interest. The County Financial Boards Bill, though prepared, has not yet been introduced, so difficult does Mr. Bruce find it to find a day for it. Then there is the Valuation of Property Bill, which excites great interest and will be much discussed, but no date can yet be found for the second reading. It is a Bill of seventy-seven clauses; while a similar Bill for the metropolis contains seventy-three. There are also Bills relating to Poor Law Administration in the metropolis; to the Cattle Plague — a measure with 125 clauses, most of which will be hotly discussed; to the Regulation of Mines; and to Post Office Savings Banks and Annuities, a measure of great social importance. There is also the Courts of Law Bill; and, considering how many Members interested in it on grounds of law, of taste, and of economy are likely to discuss it, your Lordships will not expect it to occupy a very short time. Then there is the Habitual Criminals Bill, as to which Mr. Bruce was exceedingly anxious that no time should be lost, and my noble Friend (the Earl of Kimberley) redeemed his promise by carrying it through this House, after a careful discussion of its details; but though it has been two or three weeks in the House of Commons, the 31st of May has been fixed for the second reading, with hardly any prospect of its being then brought on. I will not mention innumerable administrative measures of great importance, such as Extradition and Naturalization. Then there is the Budget, which is not altogether simple in its character, and which will require a very long Bill to carry out its proposals. It is certain to be discussed at great length. There are many Notices by private Members, relating to some of the most important questions that can occupy Parliament; and there are Bills of the same sort also in the hands of private Members. The Army Estimates, too, have to be taken, and 151 Votes in the Civil Service Estimates, some of which will raise discussion. This, I think, is a tolerably full bill of fare, and I venture to appeal to noble Lords who have been Members of the House of Commons whether it is not much more than the usual programme of a usual Session, and likely to exhaust the energies even of a young and energetic House. When, however, I have said this I have really left out the part of Hamlet from the play. There is that most important, most difficult Bill, a piece of legislation on which enormous pains have been bestowed — the Irish Church Bill. Supported by enormous majorities, it is very slowly forcing its way against the resistance — quite constitutionally exerted—of a minority against all its principles and all its details. That Bill, I believe, is now certain to come up to this House, and I trust I am not taking too sanguine a view if I believe your Lordships will not reject it; but if you make alterations, whether for the better or the worse, it is quite clear that such Amendments will require lengthy discussion on the part of the House of Commons. I think, therefore, I have made out a case showing why Her Majesty's Government think it impossible to deal with this most difficult and complicated question this Session with any likelihood of success. Whether they have decided rightly or wrongly, I venture, that decision having been come to, to appeal to the noble Marquess, who has shown so much temper and courtesy with regard to the Bill, whether, without any practical end being gained, it is likely that the constant renewal of discussion on this question this year is likely to increase or diminish the excitement which prevails in Ireland on the subject? I venture to make that appeal, but I cannot change anything of the declaration which I trust I have neither on this nor the former occasion stated otherwise than fairly and temperately.

EARL GREY: It appears to me a somewhat inconvenient course for my noble Friend to reply to-night to a speech which was made in debate nearly a week ago. I cannot quite accept his statement of the facts of the case. My noble Friend says I pressed the Government to take up the subject. Now, what I said was that when a Bill relating to a subject of urgent importance—a Bill carefully considered by a Select Committee, and unanimously recommended by it as fit to pass—a Bill, moreover, approved by several members of the present Administration in the Committee—when such a Bill came before the House, it was hardly a fitting course for the Government to say that they were not prepared to oppose it in this House, but that it would be rejected by their means in the House of Commons. [Earl GRANVILLE denied that he had so stated.] I am in the recollection of your Lordships. I am quite aware that my noble Friend did not say, in exact words, that the Bill would be rejected by the Government in the House of Commons, but he recommended the noble Marquess not to proceed with it, telling him it would not be adopted by the Government in the other House, and that it would therefore fail. Now that is surely tantamount to what I said just now. Proceeding to the main point which we have to consider, whether or not this Bill might pass in the present Session, I venture to observe that it appears to me that it would not be so impossible to pass the Bill as the noble Earl assumes, and that it might be passed this Session if the Government desired it. I may remind your Lordships that, on the greater part of the Bill, the Government and the Members of the House who have recommended that it should be passed are agreed. My noble Friend (the Lord Privy Seal) expressly said the other night that he could not move the rejection of the Bill, because he approved all that it contained—it was what it did not contain that constituted his objection to it. My noble Friend who has just sat down himself used very much the same language. He said it was not expedient to pass the Bill, for it would not be a final settlement of the question without it contained something more. Now, I agree with him that when we pass a Bill upon this subject, it ought to be one which will settle the question; but if my noble Friend concurs in the general provisions of the Bill as it stands, if he also concurs with us in thinking that the rights of property should be respected, the difference between noble Lords on the Treasury Bench and those who recommend the passing of the Bill in its present shape is reduced to a very narrow compass. There is only one point, and that comparatively a small one, on which a doubt remains—under what conditions and to what extent is compensation to be given to tenants for improvements which they have made without the sanction of their landlords. Now, there is nothing impossible in dealing with that point, and supposing the Government had assented to the Bill proceeding they might have asked the noble Marquess to postpone the Committee till after Whitsuntide —to which, I am sure, he would at once have assented — and during the Recess they might have maturely considered the four or five clauses—for upon their own showing there would not be more—requisite to provide for that one point in which they say the Bill is defective. Would not that have been perfectly practicable? I know this House too well to entertain a moment's doubt that if clauses had been so prepared and moved in Committee by the Government they would have received the most impartial consideration; that not the least party feeling would have been allowed to enter into their discussion, and that there would have been on all sides an anxious desire to acquiesce in them if possible. For myself, I go so far as to say that, as long as there was no direct infringement of what I regard as the great and important principles of justice and the rights of property, I should have thought it advisable to accept almost any clauses which the Government might propose — even though those clauses had, in my opinion, been injudicious and calculated to impair the working of the Bill, I should have thought the passing of the measure cheaply purchased by consenting to the introduction of such Amendments. That is the spirit in which I should have been prepared to discuss the Amendments, and I doubt not that a similar spirit would have animated the House. But then we are told it is impossible to do this because there is a long bill of fare which is now before Parliament. Now, in the present state of Ireland, with these outrages going on, does my noble Friend, for one moment, put a Rating Bill—a Bill for improving the accommodation of Courts of Justice, and other measures which might be deferred without out any serious inconvenience—in competition with one the early passing of which I believe to be essential for the very safety of Ireland? My noble Friend said last week it would not contribute to the success in settling the question of any Bill that Parliament may pass on this subject that it should have proceeded from your Lordships' House. Now, on that point he differs from some rather high authorities. In the able evidence given, in 1867, before the Committee by a Gentleman who is, I believe, the leader of what is called the tenant-right party—I mean Mr. Maguire—while he expressed his opinion on the danger and evil which would arise from not settling the question, he added a further opinion of the facility and advantage with which that settlement might be undertaken by this House. Your Lordships are not exclusively Irish proprietors, and for myself I can say that, in consenting to the request of the noble Marquess to serve on the Committee, my desire was to do what I believe to be fairest towards all parties, and most conducive to the general welfare of Ireland. I believe the passing of the Bill to be of great importance, because the more I consider the present state of Ireland the more firmly am I convinced that I was not wrong in the opinion I expressed shortly before Easter of the real causes of the present increase of outrages in Ireland. The Question of the noble Viscount (Viscount Lismore) was postponed in a somewhat unusual manner at the request of my noble Friend; the increase of agrarian outrages in Ireland has at length become most formidable, and no cause is suggested by the Government—all that my noble Friend is able to say is that agrarian outrages have prevailed more or less in Ireland for a great length of time, and that the seeds of the disease have never been entirely exterminated. Now, it is quite true the evil is an old one, and that it has also been more or less of an intermittent character; it is true we have had periods of comparative tranquillity followed by sudden outbreaks; but, as far as my recollection serves me, there has been no instance in which this aggravation of the evil did not admit of being traced to some distinct cause—there was always something in the circumstances of the time which enabled one to account for the outbreak. Now the Government have suggested no cause for the present outbreak; but I think the causes are easily traced. In the first place, I cannot doubt that the manner in which the Irish Church question was brought forward last year, by those who admitted that their eyes had been opened to the urgency of the evil by the Fenian conspiracy, has aggravated the spirit of lawlessness which unhappily has long prevailed in Ireland, and has increased the disposition of the Irish people to believe that to act on the fears of Government and Parliament is the readiest mode of obtaining anything they desire. I believe also that the effect of this was greatly aggravated by that unhappy mistake, the discharge of forty-nine persons convicted of that conspiracy. Those mistakes, however, are past, and cannot be now corrected; I will not therefore advert to them further than to say that they appear to me greatly to have aggravated the effect of another and remaining cause of the present state of things in Ireland, with which it is still in the power of the Government to deal. I venture to say that the uncertainty with regard to the future relations of landlords and tenants is at the bottom of these outrages. Since the discussion which occurred the other evening I have seen a letter, written in Ireland by a person whose testimony—though I know nothing of him myself, I am assured may be safely relied on—and he says that the mischief arising from the unsettled state of the country is hourly increasing, and creating a feeling of insecurity. He states of his own knowledge that the effect of the uncertainty as to what course the Government would adopt is, in the first place, to make it impossible to obtain loans on the security of Irish landed property; and that he knew of a case in which what would lately have been considered as a perfectly unexceptionable landed security for a proposed loan in Ireland was rejected, on the avowed ground that Mr. Gladstone contemplated measures which would make land in Ireland no longer a good security. This is a great evil for the landowners and for those capitalists who are willing to lend money on land. But what is the state of the case with respect to the occupiers? They have been told by the highest authority, and with undoubted truth, that the present state of the law is bad; that it exposes them to frequent injustice and creates serious grievances, and they have been promised that that injustice would be redressed—some great boon of an undefined nature has been held out before their eyes, but the time when it would be granted was kept uncertain as well as the nature of the boon itself. In this state of things, when, in the disputes connected with land, some case occurs in which the landlord thinks himself compelled, in order to protect his own interests, to eject a tenant, is it very unnatural, considering the temper of the Irish peasantry, and their feeling on this subject for many years, for them to say that they would not continue to obey a law which, their rulers tell them, is so bad that it must be abrogated? "It is in vain," they would say, "to hold out to us the prospect of a future remedy. What is a remedy, next year, to us who may be ejected this year?" When you foster this sense of the badness and injustice of the law, and at the same time create indefinite expectations of some great boon for the tenants in the future, while withholding all present redress and improvement, can you be surprised that those tenants should resist the law, and that, in that resistance, serious outrages should be committed such as those of which intelligence reaches us day by day. If we really desire to check this system of agrarian outrage in Ireland, it becomes us, without a moment's unnecessary delay, to apply all our energy and efforts to the purpose of settling the law. My noble Friend has found great fault with me for having said in the former debate that Her Majesty's Government would be responsible for what may occur during the coming winter in Ireland. In what I said, on this subject on that occasion, I did not utter a syllable implying personal blame to my noble Friend, but I did express my opinion—and that opinion I must now deliberately repeat—that if the Government neglected to do their best to settle this question without delay they would be morally responsible for the effects which delay is calculated to produce. Among those effects it may undoubtedly be apprehended that, during the next winter, there would be agrarian outrages and murders in Ireland, and especially in the South. Before sitting down, I wish to join my noble Friend (Earl Granville) in advising the noble Marquess not to push his Bill forward for the present—at the same time I do not recommend that he should drop it—but postpone it until after Whitsuntide; and I would hope that during the Recess Her Majesty's Government would deliberate on the point whether it is still impossible for them to adopt the course I have ventured to recommend, to prepare Amendments to the Bill, to take the measure under their charge, and pass it into law. I have not the smallest doubt that, if the Government apply themselves to the question, they will find it in their power to carry a measure on the subject. If they are not inclined to take that course, I would advise the noble Marquess not to proceed with his measure, for I can see no advantage in sending the Bill to the House of Commons, unless it receives the support and countenance of the Government. I therefore hope that, if the Government continue of the same mind as at present, the noble Marquess will after Whitsuntide drop the Bill, and throw upon the Government the sole and undivided responsibility of preventing legislation on this question during the present year. That responsibility would be most heavy, and I trust that they will take time to consider whether it is impossible that this Bill should pass in the present year. In considering this great subject it is their most solemn and bounden duty to look at all the great interests involved. It is of paramount importance that they should not allow their decisions to be biassed by any regard to party interests, or by any apprehension that they might lose in reference to another measure the support of some of their more violent adherents. Let not any consideration of that kind weigh with them, but let them only regard the necessities and welfare of Ireland.

LORD MONCK said, he did not rise to inform Her Majesty's Government what were the responsibilities that rested on them with regard to Ireland, but, as an Irishman who was deeply interested in the tranquillity and prosperity of Ireland, to enter his protest against the greater part of the noble Earl's speech. The noble Earl, in endeavouring to account for what he called agrarian outrages in Ireland, had assigned causes which, if true, would apply to the whole of Ireland. The noble Earl attributed those outrages to the mode in which the Irish Church question had been dealt with, and to the hopes of the tenantry in respect to the future settlement of tenant-right. Those were manifestly causes which would apply to the whole of Ireland; and, if they occasioned agrarian outrages, it might naturally be expected that outrages would be found prevalent all over the country; whereas, it was notorious that agrarian outrages were confined to a small portion of the country, and that a portion which, to his knowledge, had always been notorious for them. In his own part of the country life and property were quite safe. The noble Earl had apparently discovered the way of solving the difficulty of the question by a very simple process—namely, by the introduction into the noble Marquess' Bill of a few clauses. This, it was alleged, would settle the land question in Ireland. Now he (Lord Monck) had been for upwards of twenty-five years engaged in public life, and during the whole of that time he had scarcely remembered a single Session in which the Government of the day, or some private Member of either House, had not taken up this question relating to the tenure of land with the idea of solving it. But, as their Lordships were aware, every effort of the kind had utterly failed. Under such circustances he left it to the judgment and common sense of their Lordships to say whether they thought it possible, within the short period of the Session then remaining to them, that Her Majesty's Government, with the existing pressure of Public Business upon them, could execute the task sought to be imposed upon them by the noble Earl. He could not help entering his protest against the speech of the noble Earl? but his main object in rising was to add his mite to the weight of opinion already expressed, with the view of inducing the noble Marquess not to press his Bill.

Lord WESTBURY: My Lords, I wish to take this opportunity of saying a very few words as to the present state of feeling in Ireland. I am not going to speak of agrarian outrages, of criminal assaults, or murders; but of the general depression of spirit and, universal depreciation of property which have followed on the proceedings of Her Majesty's Government. The agitation commenced with the introduction of the Suspensory Bill; for, from that moment, men of property in Ireland knew not upon what conditions they were to hold that property in future. The alarm increased—increased to an enormous extent—owing to the speeches made on the hustings by certain Gentlemen who have since become Members of Her Majesty's Government. The alarm has reached its acme by reason of the provisions of the Irish Church Bill, and the discussions which have attended the introduction of that measure in the House of Commons. Now, speaking in the manner of a lawyer, I will put this alternative—Her Majesty's Government either have formed an opinion upon what is called the Irish land question and the nature of the measures that ought to be introduced in respect to it, or they have not. If they have, we are entitled to know them. If they have not, what justification was there for the introduction of the Irish Church Bill; which, though it may be one of the measures required for the pacification of Ireland, is well known to their friends to be by no means one of the most important demands of that country. Her Majesty's Government come forward as the pacificators of Ireland. Their only justification for doing away with rights which have been enjoyed for 300 years—their only justification for trampling on the legal rights of property, is the plea of expediency—that it is absolutely requisite for the peace of Ireland. Now, those who know anything about Ireland, know very well that three measures are demanded, and have been long demanded, by agitators in that country. One is the demolition of the Church. To that, Her Majesty's Government have yielded a ready assent. The other is the settlement of the land question. But in what form has that been agitated in Ireland? Not, my Lords, as a question of compensation for improvements, for these are the words of one of the most eloquent of the agitators—

> "We must not alone have compensation for agricultural improvements, but we must have land tenure, for compensation without tenure is of little value."

And a Gentleman, now occupying a very prominent position in Her Majesty's Government, said to the electors of Mallow—

> "There are three Bills which Mr. Gladstone will give to you. One is on the Irish Church, the other is on the land tenure, the other is on education."

These three things are demanded by agitators in Ireland;—but there is a fourth card which they hold in their hand, to be played at their convenience, when the other tricks have been won; and that is the repeal of the Union. Now, what is the education question? It is this—that the priesthood of Ireland intend to have the sole and uncontrolled dominion over the education of the people. If that be conceded, what can you expect but that, in a few years, Ireland will become a mere province of Rome? With regard to fixity of tenure, we know that the tenantry of Ireland regard that as the most important demand. Then, was it not the duty of Her Majesty's Government to have formed decided opinions upon that question before they commenced their work of agitation, and introduced the Irish Church Bill—knowing as they well did that that would create the utmost confusion in the enjoyment and holding of property in Ireland? My noble Friend (Earl Granville) said he had no doubt that the Irish Church Bill would come up to this House, and that their Lordships would pass it. At all events, he said your Lordships must either reject it or pass it. My Lords, that has not exhausted the whole mode of regarding this question. There is a triple alternative, and I throw it out for your Lordships' consideration—for I feel so strongly on this matter that I even venture to put myself more prominently forward than my position in this House warrants. I say there is a triple alternative; and, if the Government still refuse to tell us what they intend to do with the land, I should suggest that your Lordships should postpone the consideration of the Irish Church Bill until the whole of the Government measures for the pacification of Ireland have been formed in their own minds, and have been laid before Parliament and the country.

THE DUKE OF ARGYLL: My Lords, the extreme violence and, as it appears to me, the extreme injustice of the accusations which have been brought against Her Majesty's Government compel me to say a few words in its defence, and especially in answer to the speech of my noble and learned Friend (Lord Westbury). The further this discussion proceeds the more apparent does it become that the animus of the objections which are now made against the course of the Government in respect to land—I except the speeches of the noble Earl (Earl Grey) and the noble Marquess—but the animus of the more violent and intemperate opponents of the Government springs from their hatred to the measure dealing with the Irish Church. They are speaking nominally against the Government about the land — they are really speaking at us about the Church —and that was especially apparent in the speech of my noble and learned Friend, although, as I am informed, he is himself one of the traitors and conspirators who voted for the Suspensory Bill of last Session. Now, I cannot help thinking that, when your Lordships consider the position of the Government, in an impartial spirit, they will confess that it would have been perfect madness and folly on our part to deal with these two great questions—the land and the Church in the same Session of Parliament. We felt it to be our duty to take the Church question first. And why? Who forced us to take the Church question first? Was it not the late Government who took up that question in a different sense, and announced measures for what they called "levelling up," —that is, for the equal endowment of all Churches in Ireland? Was it not then absolutely essential that the Leaders of the Liberal party should consider whether to consent to that policy or advocate another one instead? I say it was the policy of the late Government, and the course announced on their part by Lord Mayo—although they endeavoured to repudiate his words almost as soon as they were spoken—which compelled us to deal with the Irish Church, and we took a line in respect to that Church which was perfectly consistent with the opinions long held—although in the abstract—by the whole of the Liberal party. Having decided to undertake that question, I say it would have been madness and folly to undertake the land question as well; and I confess I have been astonished at the language of the noble Earl upon the cross-Benches (Earl Grey) that the Government have nothing to do but to add a few clauses to the Bill of the noble Marquess. It may be all very well for the noble Earl, because his doctrine is that the less we do the better, and probably if we do nothing that, in his opinion, will be better still. Nothing to do but add a few clauses to the Bill! Why, I remember having, some years ago, been Chairman of a Committee, composed mainly of Irish proprietors, upon this very land question, and I was then staggered—as everybody else has been who has been brought face to face with the difficulties of the question — with the enormous complications which are involved in it. Is it credible, then, that the noble Earl with his knowledge of Public Business and his intimate knowledge of this subject, should declare that by adding a few clauses to this Bill we can settle the whole land question in the present Session? What is the pretext for the assertion that those horrible outrages are due to our having taken up the question of the Irish Church? Does not everybody know that this great outburst of agrarian crime in Tipperary, and some other parts of Ireland, occurred while the late Government were in Office? Why, one of the most atrocious outrages which has been committed—one which amounted almost to the character of civil war—occurred under their conduct of affairs. Was that, I would ask, due to their feelings with the Irish Church, or with the land question? I cannot help saying that from what I have heard —and I should be glad to know if any Member of the late Government can contradict the statement—I believe it to be true that that Government were singularly lax in the measures which they took for the purpose of endeavouring to vindicate the law on the occasion of the attack made on Mr. Scully. I was very much struck, during the discussion which arose the other evening, by the reception which noble Lords opposite gave to the observations which fell from the noble Lord behind me. The noble Lord (Lord Athlumney), speaking with great knowledge and authority of Ireland, and speaking what may be called the language of political economy—and, in the abstract, I entirely agree with him —said it was a misfortune that we should have to legislate on this subject at all, because the more tenants in Ireland were left to themselves the better. That was a perfectly natural observation coming from the noble Lord; but what was the reception which it met with from noble Lords opposite, especially from the noble and learned Lord by whom the Opposition is led (Lord Cairns)? Why, it was received with loud cheers! —and I now ask them if it is their opinion that the Irish land question had better be dealt with by leaving the tenants to themselves? If that is, and has all along been their opinion, why, I should like to know, did the late Government not leave the tenants to themselves, and why did they propose an elaborate Land Bill which violated, in their opinion, the rights of property? Did they not feel that the land question had got into a condition in Ireland which compelled them to attempt to legislate upon it, and which rendered it impossible for them to take that course, which political economy and abstract reason might make it most advisable to adopt in most countries—namely, to leave the relations of landlord and tenant to the ordinary laws of supply and demand? The late Government must have been actuated by some such feelings when there were in a responsible position; and this, I will venture to say, that, although some difference may be advisable between the language which is held by men when in Office and in Opposition, yet it can scarcely be right that the margin should be so wide as that which noble Lords opposite have lately made familiar to the public mind in dealing with great political questions.

The Marquess of WESTMEATH declared, as a man of honour, that he totally and entirely denied that his opinion upon this question had, directly or indirectly, anything to do with the subject of the Irish Church Bill. He was free to own that he had never entertained the least doubt that a sweeping reform was necessary in the Irish Church. He only rose now to complain of the conduct of the Government in not going on with the present inquiry; because, he believed that, if it were properly handled, it would go far to put a stop to those abominable outrages that had occurred in Ireland. In conclusion, he repeated that, as a man of honour, he utterly denied that his conduct in respect to this measure was, in the slightest degree, actuated by any feeling of hostility to the Government for their policy in respect to the Irish Church. The noble Duke (the Duke of Argyll) said that the conduct of certain noble Lords in respect to this question was of a "violent" character. He did not know whether the noble Duke, in using that epithet, referred to him; but if, in the noble Duke's opinion, he was violent, he could tell him that he was also perfectly sincere.

Lord CAIRNS: My Lords, up to the time when the noble Duke who has just resumed his seat (the Duke of Argyll) rose to speak no one, I think, with the exception of a Member of Her Majesty's Government and two Friends—I may, perhaps, call them Supporters—of theirs got up to address the House. I leave it to the noble Duke to settle with those two eminent Members of the House the use of the terms which he has applied to their speeches, and what he has described as the violent and intemperate language in which they have expressed themselves towards the Government. I would, however, venture to suggest, by way of finding some excuse for those noble Lords in the eyes of the noble Duke, that when, on the mere recollection of a cheer which he fancies was given by myself on a former occasion—which I must say exists only in his own imagination, and has no foundation whatsoever in fact—he was able to rouse himself to such a pitch of excitement as your Lordships witnessed at the close of his speech, they must be prepared to make some allowance for the terms used by the noble Duke in describing their speeches as "violent and unjust." I can only regret that some of that excitement did not manifest itself on a former occasion. It is not very long since we had in this House a discussion of some length with reference to crime and outrage in Ireland generally, and especially in reference to one of those most melancholy occurrences in Ireland to which the noble Duke has referred — I mean the attack on Mr. Scully. On that occasion, several of your Lordships expressed your opinions on that lamentable case, and the course with regard to it which was taken by the Government of the day. I wish to know why it was that the noble Duke did not then propound the question which he has to-night propounded —I speak of the question demanding an answer from the Members of the late Government—whether they were not in that instance fairly chargeable with laxity in the administration of the law? I leave it to your Lordships to consider the fairness of such an attack from a leading Member of one Government towards the one it superseded, in relation to a matter which occurred at some distance of time before, and upon which, up to the present time, the noble Duke has remained silent. I now turn to the noble Earl the Secretary for the Colonies —and everything which he does is done with so much of persuasion and blandishment that I can hardly find it in my heart to condemn any course which he has taken. I must, however, be permitted to observe that the course which he has adopted to-night seems to me to be somewhat unusual. The Order of the Day before us is the question of going into Committee on the Bill of the noble Marquess (the Marquess of Clanricarde). About a week ago we had a discussion on the second reading of that Bill, and in the course of that discussion various Members of the Government addressed the House—among them the Lord Privy Seal and my noble and learned Friend on the Woolsack. The statements which were made in the course of that debate in favour of legislative action on this subject were answered by those and other Members of the Government; but what has been done to-night? It is, I believe, the habit in certain meetings of a different kind from those in your Lordships' House to read at the outset of the proceedings the Minutes of the previous meeting. Now, I was very much reminded of that course by what the noble Earl did this evening. He took unusual pains to refresh our memories of what had occurred by rehearsing to your Lordships the whole debate on the second reading of the Bill, from beginning to end. He told your Lordships what the noble Marquess had said, what the noble Earl (Earl Grey) had said, and what was said by my noble Friend the Marquess of Salisbury, who is not now in the House, as well as by other noble Lords. He even thought some observations which fell from me not unworthy of his notice. The noble Earl not only favoured us by reading the Minutes of our proceedings on the second reading, but he made a running answer to the speeches delivered on the second reading, which I contend ought to have been answered, if at all, at the time at which they were spoken. But my noble and learned Friend opposite (Lord Westbury) and the noble Lord who sits on the cross-Benches are quite able to defend themselves, and I shall briefly refer to what the noble Earl has said with respect to the few remarks which fell from me. The noble Earl wants to know whether I retain the opinion which he says I expressed in the House of Commons many years ago with reference to some Irish Land Bill. He told the House the other evening that, while I complained of the Government for not stating their opinions on this question, I abstained from stating my own. Now, I beg in reply to the noble Earl to observe that I have for many years taken a great interest in the subject of the land in Ireland, and that I shall be prepared, at the proper time, to justify and re-affirm any statement I ever made upon it in the House of Commons. But I would remind him that the matter in question the other evening was not my opinion with regard to the land in Ireland, but the opinions of Her Majesty's Government; and I want to know what answer it is, when Members of your Lordships' House conceive they have some right to have information from the Government on this subject, to be told on a subsequent evening that they had never made known the opinions which they themselves entertained. The noble Earl further says that I misrepresented the statement which was made by the Members of the Government on the subject of the land question in Ireland. I deny it. What I did say on a former occasion was this—that Her Majesty's Government—the late one—had a measure in preparation on the subject of land tenure in Ireland—a measure they believed to be necessary, because, in their opinion, the land question in Ireland was in an unsatisfactory position. Now, people in Ireland who take part in the agitation in connection with this question naturally look for indications of the opinion of the Government on the question from what falls from time to time from its Members, and I referred from memory to expressions which had fallen from two eminent Members of the Government. One of those eminent persons is Mr. Bruce the Secretary for the Home Department who, I said—speaking entirely from memory — when he was engaged in his canvass at Merthyr Tydvil in South Wales, for which he was a candidate, said, that it was a most unsatisfactory thing that nine-tenths of the land in Ireland should be owned by Protestants. That, I added, was exactly the opinion which prevailed among certain classes in Ireland; and, relying on this expression, they will expect redress from the Government which will go in the direction of remedying that which is said to be an evil. I will read a report of the speech delivered by Mr. Bruce, and your Lordships will then be able to judge whether my recollection of its purport was accurate or not. The speech, I may remark, has been made the subject of comments in the newspapers, but no disavowal of the accuracy of the report has been made by Mr. Bruce. I may assume, therefore, that the report is correct. It appeared in the *Cambria Daily Leader*.

Earl GRANVILLE interposing, said Mr. Bruce had not used the words imputed to him.

Lord CAIRNS: Well, I am merely endeavouring to justify myself. I am very glad to hear that Mr. Bruce did not use the words attributed to him; but still it is very unfortunate that, considering they have been publicly commented upon over and over again, he never took the trouble to contradict the report, and, indeed, never disavowed the words until they were mentioned in your Lordships' House. This disavowal now, I think, shows the advantage of referring to the statements of Members of the Government; and it must be remembered that these words have gone to Ireland, and have spread all over that country, and that they are extremely popular there, because they agree with the opinion entertained by a considerable portion of the Irish people. My object is merely to justify myself, and therefore I will quote the report of Mr. Bruce's speech from the *Cambria Daily Leader* of the 26th of September last. The right hon. Gentleman is represented to have said—

> "Was it not a deplorable fact that only 7 per cent of the land belonged to the Roman Catholic population? How was such a state of things effected but by the enactment of the most cruel—yes, and he was not ashamed to state—the most infernal laws that had been made and enforced upon a people?"

I am very glad to hear that Mr. Bruce said nothing of the kind, and I hope it may go forth that this is an entirely erroneous statement.

Earl GRANVILLE: Is the noble and learned Lord now reading the words which he referred to last week?

Lord CAIRNS: Last week I spoke from memory, but I now hold the paper in my hand, and I leave it to your Lordships to decide whether my memory was very far astray. I am not now quoting my own words, but the Welsh paper which reports Mr. Bruce's speech, and which says that it was received with great cheering. Let the statement as to the inaccuracy of this report go forth to the people of Ireland, who have been labouring under the impression that Mr. Bruce was of opinion that "infernal laws" had led to the land being in such a state that only a small percentage was held by Roman Catholics. And now as to the expression which I attributed from recollection to Mr. Gladstone. I mentioned, as your Lordships will remember, that before his election, Mr. Gladstone had said there was a great tree of noxious growth in Ireland—the tree of Protestant ascendancy—and that the Irish Church question, the land question, and the question of education were all branches of this same tree, which poisoned everything which came under its shadow. Well, I spoke then from memory; but now I have the advantage of the report of the speech to which I referred. At Wigan, on the 23rd of October last, Mr. Gladstone is reported to have said—

> "It is clear the Church of Ireland offers to us indeed a great question, but even that question is but one of a group of questions. There is the Church of Ireland, there is the land of Ireland, there is the education of Ireland; there are many subjects, all of which depend upon one greater than them all. They are all so many branches from one trunk, and that trunk is the tree of what is called 'Protestant ascendancy.' It is upon that system that we are banded together to make war. So long as that system subsists, our covenant endures for the prosecution of that purpose for which we seek your assistance; and because, as I said early in these remarks, we have paid instalments to Ireland, the mass of the people would not be worthy to be free if they were satisfied with instalments, or if they could be contented with anything less than justice, we therefore aim at the destruction of that system of ascendancy which, though it has been crippled and curtailed by former measures, yet still must be allowed to exist. It is still there, like a tall tree of noxious growth, lifting its head to Heaven and darkening and poisoning the land so far as its shadow can extend."

I again appeal to your Lordships as to whether my memory went very far astray as regards the words which I attributed to Mr. Gladstone. I am glad it has been stated that Mr. Gladstone never said anything of the kind, and that it is all a mistake of the reporters; but the misfortune is that these reporters have been believed, and their reports been circulated throughout the land. The Prime Minister is, at this moment, believed to have said he was making war on the tree of Protestant ascendancy; that that tree consisted of three branches — namely, the Church question, the land question, and the educacation question, and that it poisoned the country so far as its shadow extended. To-night the noble Earl (Earl Granville), in reply to what has been urged on the Government with reference to the present Bill, has entertained the House with a very long list of the measures now before the House of Commons, and he has endeavoured to alarm your Lordships by recounting to you the number of clauses to be found in various administrative and consolidation Bills which are at present going through the House of Commons. Indeed, I think the noble Earl went further and told your Lordships the number of items in some of the Estimates which the House of Commons will have to dispose of.

Earl GRANVILLE: I mentioned the number of Votes.

Lord CAIRNS: Well, Votes or items —a Vote is taken upon an item. The remark, however, that I have to make is that the noble Earl's statement failed to meet the sore point which has been raised in the present discussion. It is perfectly well known—and has not been disputed by any one whom I have heard speak in this debate—that there is intense interest, or I may say excitement, in Ireland on the subject of the tenure of the land. It is not disputed that there are most exaggerated opinions entertained among certain classes of the Irish with reference to the law affecting the tenure of the land. It is not disputed that the people in Ireland who are excited in this manner are at present watching with intense interest to ascertain what the measures are which the Government intend to introduce. It is vain to dispute—and I think the noble Earl opposite will not venture to dispute —that the dreadful occurences which have filled our minds with horror during the last two or three months are connected with the subject of the tenure of land and with the opinions entertained by the people respecting their rights in the land. No doubt there are many other measures which are passing through Parliament, but here is a case where you have to deal with an agitation which is constantly going on and increasing every day. I do not stop now to consider when it began, though I entirely repudiate the conclusion of the noble Duke opposite (the Duke of Argyll) that it began at any other time than can fairly be connected with the agitation respecting the Church. It has been increasing week after week during the last two or three months, and, if we may judge of the future from the past, it will grow to a greater height than it has hitherto attained. It is, therefore, of vital consequence to the peace of Ireland and the security of property and to the dealing with property in that country that it should be known what are the views of the Government on this question of the tenure of land. I agree with what has been said by several speakers that this ought not to be a party question, and I believe the noble Earl on the cross-Benches (Earl Grey) exactly reflected the opinion of your Lordships when he remarked that, if the Government brought forward a measure on this subject, it would receive, on both sides of the House, a fair and indeed cordial treatment, and that there exists a great anxiety to consider a measure which might be passed into law during the present year. Now, the Bill of the noble Marquess which is before us is agreed by all parties to be excellent as far as it goes. Does it not, therefore, afford an admirable opportunity to your Lordships of engrafting upon it those additional provisions which Her Majesty's Government may deem requisite? What reasons have been urged by the Government why this should not be done? I want to know further, whether I am not right with my recollection that I heard from the noble and learned Lord on the Woolsack, on the former occasion, that he had no doubt that the measure intended to be introduced next year by the Government would be one that would violate no right of property; and that it would be acceptable to those who sit both upon this and upon that side of the House, and also as to the people of Ireland. As I know the accuracy with which my noble Friend speaks, I do not believe he would have hazarded that statement unless he had been acquainted with the nature of the measure which the Government will propose. Well, if there be such a measure it is exactly the measure we want to see. That is exactly the measure which will be hailed with applause by your Lordships, and if there be such a measure in the possession of the Government I hope they will lay it on the table of the House.

THE LORD CHANCELLOR: I shall certainly not detain your Lordships by entering into any question as to the personal views which I am supposed to have expressed on the last occasion when this Bill was before the House; but I must say I do not altogether like my noble and learned Friend for my reporter. I do not exactly admit the accuracy of all the statements he has made, although, no doubt, he intended to express himself accurately; but both my noble Friend and myself have been advocates, and know that a set of facts may be so stated as to convey different impressions. Neither shall I enter into a discussion concerning what was said or not said by the Home Secretary and the right hon. Gentleman at the head of Her Majesty's Government in addresses which they may have delivered to their constituents. What I rather wish to say is, that if anything more than another could convince the House of the expediency of delaying this measure for regulating the great land question in Ireland, it would be the tone and temper which seems, unfortunately, to be manifested on any occasion when this subject is brought before the House. Now, if there be one question which more than another requires calmness and deliberation—I might almost say judicial deliberation—it is this great question, which has been for centuries vexing Ireland, which so many have attempted to deal with, which all have admitted to be a grievance, and to which no adequate remedy has yet been found. And, whatever I may be supposed to have said in the late debate, I certainly am not prepared to take upon myself the responsibility of doing what the noble Earl who spoke early in the debate (Earl Grey) seems to think there are special facilities for accomplishing—namely, the settling, by inserting four or five clauses in this Bill, this great question which has been agitated for centuries. Look at the mode in which this discussion was introduced. When certain noble Lords, sitting on the same side as my noble and learned Friend (Lord Cairns), interposed to prevent the withdrawal of a question that was about to be asked on the unhappy occurrences in Ireland, it was certainly with very great warmth that their observations were made, and that we were told that unless the Government would say what they were prepared to do life would not be safe. Why, does anybody suppose that the passing of any Bill whatever, however wisely devised, now, would at this moment and for ever, or instantaneously, allay the disturbances which are occurring in Ireland, and creating so much misery and apprehension? Is it in the power of this House by any legislative measure to overcome the wrongs of centuries? It cannot be done. Patience, time, and deliberation will be wanting on the part of the people; and, on the other hand, that patience and calmness will never be attained if they see that your Lordships' House is prepared to pass a measure in extreme irritation, in extreme panic, or in any mode whatever not befitting the deliberative character of this great assembly. The noble Earl who spoke from the cross-Benches (Earl Grey)—himself most candid, fair, and reasonable in his ordinary mood—in almost his first sentence to-night, showed that he was under a most extraordinary misapprehension as to what fell the other evening from my noble Friend the Secretary for the Colonies; for he stated that my noble Friend had said—"We will allow you to pass the second reading of your Bill. Here it shall pass; but you shall be opposed by the Government in the other House." I cannot conceive any misapprehension so singular as that, and I can only attribute it to the unusual degree of excitement evinced by the noble Earl. What my noble Friend the Secretary for the Colonies did say was in effect this—"Here is a Bill which you can possibly pass through this House, but which the Government cannot adopt; because in their opinion it is not a measure that will finally settle the question; and, in our opinion, it is not desirable to show the people of Ireland that you will only partially deal with this question; and, therefore, if you send this Bill down to the other House, where it will not be received as a Government measure, and where numerous measures brought in by the Government are pending, what possibility is there of its passing this Session?" That the noble Earl on the cross-Benches represented as a grave and almost ungentlemanly offence, and as a threat on the part of the Government that they would throw the Bill out in "another place." There was no such threat, no such indecent or dishonourable proceeding on the part of my noble Friend. I only mention this as an instance of the extraordinary misapprehension that arises whenever a matter of this kind is discussed. I do not censure the noble Earl for repeating the discussion of the other night; but really to suppose that the insertion by the Government of four or five clauses in this Bill can be a settlement of this question is a notion which I can hardly conceive as seriously entering his mind; because, if four or five clauses would really have that effect, is it not astonishing that the Select Committee themselves did not insert them and so prevent all further difficulty? It must be obvious that these continued attempts to make the Government say what is their plan and their remedy, when they have told you fairly from the first that it is not their intention to bring forward any plan whatever in the present Session with reference to land tenure in Ireland, cannot lead to any happy result or conduce to the proper settlement of this great question; and, therefore, I am justified in passing them by. But there is one point which I cannot omit to notice, and it is this—It has been said over and over again—"You have brought forward a measure with respect to the Irish Church which you have told us was forced upon you by pressure from without; the Fenian agitation has made you think of that measure." Now, anybody who knows the history of the question of the Irish Church must know how long that question existed before the Fenian agitation. As a humble individual I myself expressed my opinion on that subject more than twenty years ago in the House of Commons. But it is nevertheless said that our measure has been brought in through pressure on the part of the Fenian agitation, and we are asked—"Will you legislate on such principles as these? You have introduced a Bill that deals with one of the three questions which are agitated in Ireland, and will you show that agitation is to drive you into legislating with the view of satisfying those who cherish wild schemes and projects in regard to the land?" Now, I hold, my Lords, that those who say there is no distinction between the land question and the Church question do really put the land in great peril. If we held that there was no difference between the land question and the Church question, you might then fairly say that the time had arisen when there was something to justify your alarm as to what might be done in regard to the land of Ireland; but what we have asserted—and we will maintain it when the proper time arrives—is that there is no comparison whatever between the great question of the corporate ownership for public purposes and the question of the private ownership of land. As to the Fenian agitation having pressed upon us, the wise statesman will always observe the signs of the times;

and the passage which was quoted by my noble and learned Friend, on a former occasion, from what fell from my right hon. Friend at the head of the Government went to this—not that the Government was yielding to the Fenian agitation, but that that agitation did give cause for deep searchings of hearts to ascertain what there was that was wrong in a state of things where so unhappy a spectacle presented itself. There have been periods when great public measures have been carried in consequence of agitation; and a bad example, I think, was set by one who was in other respects a high authority—the late Duke of Wellington—when he said he had not changed his opinion on the Roman Catholic Relief Bill, but that he yielded because there would otherwise be a civil war in Ireland. That was a most dangerous opinion to express. But I say when we hear the people loudly complaining of their grievances, and when we find them committing indefensible and perverse acts, but showing at the same time a determination and a perverseness which are not likely to give way to simple reasoning, it is then time for all who are at all responsible for the conduct of public affairs to give their earnest attention to the remedies which may be needed for a state of affairs of which these things may possibly be the symptoms. Her Majesty's Government have been accused of great public delinquency in bringing forward this measure for the reform of the Irish Church, and it is said that this course on their part is leading on to other and frightful consequences. A noble and learned Lord has said there are three great measures which are sought for in Ireland, in a sense which he looks upon with dread and apprehension—one relating to the Church, another to the land, and the third to education; that he found that agitation had commenced on those subjects, that the Government had given encouragement to that agitation, and that in his opinion all this mischief began when the Suspensory Bill of last year was brought forward. According to this view, then, all the mischief was begun before the dissolution of the late Parliament. Since then you have had a General Election, and you have challenged the verdict of the country upon the conduct of the authors of all that mischief. Among other things, it was said by my noble and learned Friend that the Pope was to have the control of the whole education of Ireland; and it has likewise been argued that the destruction of the Church will lead to the confiscation of the land. Well, all that has been before the minds of the people; and you have had the nearly unanimous voice of Scotland pronounced upon it—you have had the Protestant people of Scotland, of England, and of Wales, and the Catholic and Protestant people of Ireland, all combining to tell you, by large majorities, that they approve and ratify the policy which led to the Suspensory Bill. The real blame cast upon us is that we have not laid before the people these two other questions, that we have not distracted their attention, that we have fixed their minds upon one project, and declared that the root of all the evils which afflict Ireland has been bad legislation, and that—as my right hon. Friend at the head of the Government said in one of his addresses—it was due to the fatal principle of Protestant ascendancy. Protestant ascendancy is not simply a question of holding land; it is one which excluded six-sevenths of the Irish people from having any voice in their own Parliament; it excluded them from office; and it passed laws so monstrous that no language is sufficient to characterize their injustice and iniquity. What do your Lordships think of a law which gave to the second son the inheritance of his elder brother, if he conformed to the Protestant religion and denounced his brother as a Roman Catholic? Can any language be called too severe to denounce such iniquitous legislation? It is the last remnant of the ascendancy that led to such things that we are engaged in removing—and now it is made a reproach to us that we are not dealing with the land question also. Well, then, my Lords, what I say is, that we have one great measure in hand, and we do not intend to be turned from it by any other. With respect to further measures we prefer to stay our hand, not terrified by those frightful outrages which may occur, but which the passing of any Bill could not for a moment avert; not terrified by the repeated denunciations of the noble Earl that the Government would be answerable if these catastrophes continue; not terrified by anything which would urge us to rush into crude and hasty legislation; but rather waiting calmly until the opinion of Parliament shall have been expressed on the one great question now before it, thus biding our time until we can deliberately enter upon the great land question, which will be, we hope, at least a measure so well matured that no one will be justified in rejecting it because it has not been calmly and weightily considered.

LORD ATHLUMNEY said, that, as the observation which he had made a few evenings since had been alluded to he wished to, say a few words on the present occasion. His noble Friend (the Duke of Argyll) had complimented him for having spoken with authority and moderation. He should be sorry if he had not done so, and would, in that case, have taken the first opportunity of apologizing to their Lordships: but there was one remark which fell from the noble Duke to which he wished to allude. The noble Duke had attributed to him the remarks that he would prefer to leave tenants and landlords in Ireland to make their own bargains. He wished that could be the case. He wished Ireland was in such a position that Parliament could leave landlords and tenants to make their own bargain. What he ought to have said was that he thought, and did still think, that it would be better to leave matters as they were than to endeavour to introduce a system of compulsory legislation between landlord and tenant. It was his wish to take a practical view of the view of the question before the House. There might be differences of opinion as to the course which Her Majesty's Government was pursuing; but since, acting no doubt upon information that was accessible to them, and not others, they had informed their Lordships that they thought it better and wiser to abstain from legislation on this subject during the present Session, he believed it would be unwise for his noble Friend near him to persevere with his Bill. He was quite sure Her Majesty's Government were alive to the gravity and also the difficulty of the present state of the question. Her Majesty's Government had told the House that, during the Recess, they would turn their mind entirely to this subject, and would be prepared, at an early period of the coming Session, to lay a Bill on the table which, without violating the rights of property, would settle the question to the satisfaction of all reasonable men. Under these circumstances, he was of opinion that they had better leave the matter in the hands of Her Majesty's Government, and he would beg his noble Friend not to press his measure any further. Many allusions had been made to the frightful events which had lately shocked their Lordships, and some attempts had been made to account for them. He had himself had had some experience in the government of Ireland, but neither he, nor his noble Friend, nor he believed anyone else, could say why these outrages arose, how they arose, or what their object was. They seemed to break out periodically, sometimes in one part of the country, sometimes in another; and it was very often impossible to trace their cause. All that Government could do was vigorously to apply the existing law for the preservation of life and property in Ireland, and he for one should be quite satisfied.

THE DUKE OF SOMERSET said, he wished to say one word on this question. He was very desirous that the Government should state their views on the condition of Ireland, for he held in his hand a report of a speech delivered by a Gentleman who was now a very influential Member of Her Majesty's Government the President of the Board of Trade, on the subject of land in Ireland. This speech was not made in the excitement of the elections, but was made at Edinburgh on the 5th of November, 1868, and he hoped it could be said of that report also that it was not correct. In that speech Mr. Bright was reported to have said—

> "In Ireland the land really is not in the possession of what I may call native proprietors, or natives of the country, to a large extent. It seems to be an essential thing for the peace of every country that its soil should at least be in possession of its own people. I believe that in Ireland it will be necessary to adopt some plan—and I believe there is a plan which can be adopted without injustice or wrong to any man—by which gradually the land of Ireland may be, to a considerable extent, transferred from foreign, or alien, or absentee Protestant proprietors—transferred into the hands of the Catholic resident population of the country. I do not anticipate myself that, until something of that kind is put in process and operation, we shall find tranquillity and content in Ireland such as we should wish to see."

This was the opinion of the right hon. Gentleman; as to which he (the Duke of Somerset) would only observe that it was contrary to the principles of religious liberty, because it was a proposed transference from Protestants to Catholics; it was obviously contrary to equality, and was contrary also to the principles of political economy. They had been told that the principles of political economy should be observed; but now it seemed to him that the principles of political economy were gone also. Then he would ask who were the native proprietors—or, in other words, who were the original Irish? If they could get at the primitive Irishman, they could, perhaps, set things to rights. He believed he might have produced other speeches of the same kind from other Members of the Government if he had chosen to cut out the fag ends of newspapers or rake among the dust heaps of old debates; for he was sorry to say that these kind of extracts might be abundantly found. But when these topics were alluded to the noble and learned Lord on the Woolsack rose and said—"Oh, do not touch that sensitive subject; it is too exciting for this House." Now, he really wished, and should be very anxious to see, this question discussed without any party feeling. There ought to be none, for in some respects both parties were in the same position; both had got into the difficulty, and they ought to get out of it in the best way they could. With regard to the Bill before them he would only say that for the future it would be excellent, but in connection with existing agreements it had some inconveniences; and he was quite sure if they were to press the Bill of the noble Marquess as it stood, and send it down to "another place" they would do injustice to the measure itself, and diminish the chance of any future satisfactory adjustment. He hoped, therefore, they would be allowed to consider the question calmly when it should again come before them, unaffected by speeches during the elections, and all the false reports—for they seemed to be all false—which they had lately heard or read.

Lord DUFFERIN said, he would not have ventured to ask their Lordships' attention at that late hour were it not for the observations which had been made by his noble Relative (the Duke of Somerset) with respect to the sentiments of Mr. Bright. As to whether they were accurately reported he was not prepared to deny or affirm without further investigation; but, knowing the great influence which Mr. Bright exercised over the minds of his fellow-countrymen, he had very carefully noted whatever observations on this subject might, from time to time, have emanated from that right hon. Gentleman. The first occasion on which Mr. Bright entered at any length upon the Irish land question was when he came over to Dublin, and unfolded a very important scheme for the regeneration of Ireland. That scheme had been very much misrepresented by the local newspapers. Mr. Bright had simply said that, with a view of establishing a class of peasant proprietors, he was prepared to support a measure in Parliament for the purchasing of such properties as might belong to absentee proprietors and others at 10 per cent above their market value. He (Lord Dufferin) confessed, as an Irish proprietor, that the proposition was very liberal, and in all probability he would be prepared to a certain degree to take advantage of it. The next occasion on which Mr. Bright had alluded to this complicated question of Irish land tenure was in the House of Commons last year. Having had the good fortune to be present upon that occasion, he remembered that the expression Mr. Bright used made a great impression on him, because he had stated, as nearly as he could recollect, that he neither had, nor was he prepared to advocate, any measure whatever for the settlement of the Irish land question which would interfere with the legitimate rights of property. That announcement was received by the Conservatives with derisive cheers; upon which Mr. Bright turned round and said—"And my interpretation of the rights of property is identical with yours." This declaration secured from all sides of the House one of the most hearty cheers he had ever the pleasure of hearing. The third occasion on which Mr. Bright had addressed himself to this question was in his speech at Limerick, in which he had been reported as saying that no matter what had been done or might be in reserve with regard to the Irish land question, legislation on that question ought to be free from the slightest taint of suspicion of any interference with the legitimate rights of the landlords of Ireland. It had been said by a noble Lord that that right hon. Gentleman was the only Member of the Cabinet who was not orthodox on the subject of land; but he hoped he had now satisfied him that the right hon. Gentleman entertained no sentiments detrimental to those rights of property which they were all anxious to respect.

EARL GRANVILLE desired to say, with reference to advice which had been given to the noble Marquess (the Marquess of Clanricarde), that if he postponed the measure with a view to further discussion on the matter, he could not encourage him in the hope that there would be the slightest chance of the Government altering the decision to which it had come.

THE MARQUESS OF BATH said, their Lordships had now heard comments upon Mr. Bright's speeches, and an historical review from the time of the Duke of Wellington; they had also heard something of the Bill for the disestablishment of the Irish Church, which satisfactorily proved to him that Lord Mayo's conduct last year had required the Opposition to do something desperate to outbid the then Government; they had also heard recriminations between the present and the late Ministers, and taunts thrown out by the noble Earl the Secretary for the Colonies and others that the conduct of noble Lords on this side of the House, when in Office, was not very different from that pursued now. He (the Marquess of Bath) feared that these taunts were not altogether undeserved. He admitted that each party had tampered with the question; each had brought forward measures which were never intended to pass, for the sake of gaining a Parliamentary triumph and catching a few votes in the House of Commons. But he wished to call away the attention of the House from this Leader or that, from the conduct of Governments either in expectancy or in possession, to the condition of those unfortunate persons in Ireland whose lives were menaced, whose property was threatened in the present state of the country; and on their behalf he appealed to Her Majesty's Government to make at once a full and immediate statement of their intentions with regard to this subject. The silence of the Government was a primary cause of the danger that threatened them—it was this uncertainty that had brought matters into a worse state than they were ever in before. The frequent murders that were committed there, and every letter they received from Ireland, as well as the information of everyone that came over, all gave a sad description of the state of the country. One noble Lord (Lord Athlumney) said that the bad feeling only existed in one or two districts of the country. It was at its worst there, he admitted; but the remarkable thing was that the bad feeling that had always existed in those districts was spreading over the whole of the country. What was this founded on? It was founded on the belief of the tenants that it was the intention of the Government to give up the land to them; for they said quite openly—"We brought this Government in, we gave them a majority, and the least thing they can do for us is to give us the land." Now, it was most important for the Government at once to set this right, and let these misguided men know that there was no foundation for their expectations. If the Government did not accept the Bill of the noble Marquess, at least let them tell the country in what way they intended to deal with the question. The noble and learned Lord on the Woolsack talked of their waiting in calmness and patience till the proper time for legislation; but let him consider what was the case of those unfortunate persons the landlords of Ireland, in which class there seemed to be committed a murder a week. He begged and entreated of the Government at once to give a sketch of the policy they intended to pursue, in order to put an end to the proceedings of those wicked men who were fomenting disloyalty throughout the land.

THE EARL OF PORTARLINGTON wished to say a few words on this question. There were no doubt parts of the country that were in a state of partial rebellion, and there were wicked men everywhere; but he utterly repudiated the notion that the bulk of the respectable tenantry of Ireland were only thinking of how they might swindle their landlords out of their property. Now, he would trace the discontent at present existing in Ireland to the proceedings of those bad men, who were always ready to make use of any exciting circumstances to forward their own "vile" purposes. It was a remarkable thing that these outrages were confined to some particular districts in Ireland, and he was glad to hear the noble Viscount state that they were repudiated by the great body of the Irish people. He was himself extensively concerned with the management of Irish property, and he was well acquainted with other districts, and he did not believe that there was a single one of his own tenants, or upon any of the estates he knew, that would be guilty of such abominable murders as those they now heard of. It was extraordinary and unaccountable that these outrages broke out in particular districts, and in certain seasons, no matter what Government was in. When the last Government was in Office there was the dreadful murder of Mr. Featherstonhaugh, and now there were other murders. As to the measure before the House, he should be glad if it could be adopted; but the noble Earl opposite said he was satisfied that the Government would bring in a Bill next Session which would please both sides of the House; and that, he thought, ought to satisfy the noble Marquess. With regard to the loyalty of the Irish people, he thought the reception Prince Arthur had received was a convincing proof of it. He had received a letter from a distinguished friend of his in Tipperary, which stated that nothing could exceed the spontaneous loyalty of all classes of the population.

THE MARQUESS OF CLANRICARDE said, he could not avoid expressing his deep regret that, in the course of the evening, the debate should have contracted the tone of party that had marked some portions of it. He protested against the theory respecting the responsibility of the Government which had been adopted by his noble Friend the Secretary for the Colonies. His noble Friend appeared to think that if he succeeded in establishing a *tu quoque* case against the opposite party he had done all that was required of him. By all means let the members of the late Administration bear the whole of the responsibility that properly belonged to them; but, whatever might have been the conduct of past Governments, the present Government were alone responsible for the present tranquillity of Ireland. He had noticed with pleasure that the only part of his Bill to which his noble Friend had taken objection was that which had reference to compensation. The main feature of the measure concerned the law tenure of land, and that matter ought not to be mixed up at all with the murderous outrages recently committed in Ireland. It was, however, impossible to deny that the ignorant part of the Irish people had been induced to take up the notion that the occupation of land would give the right of ownership, and that in a very short time there would have to be a transfer of property. But his noble Friend the Secretary for the Colonies had distinctly declared that no measure that might be introduced by the Government would be subversive of the legal rights of property, and he hoped that that statement would go forth through the length and breadth of Ireland, in order that it might in some degree dispel the delusion that now possessed the minds of some of the Irish peasants. In regard to this measure, he was willing to accept the proposal of the Government, that the Committee should be postponed till the 25th of May.

Motion (by leave of the House) *withdrawn;* and House to be in Committee on *Tuesday* the *25th of May* next.

PAROCHIAL SCHOOLS (SCOTLAND) BILL.

QUESTION.

THE DUKE OF RICHMOND asked the Secretary of State for India, On what day he proposes to lay upon the Table the Amendments he purposes to make in Committee on Parochial Schools (Scotland) Bill? It was desirable that the House should see those Amendments with as little delay as possible.

THE DUKE OF ARGYLL said, he wished the Bill, as it stood, to be taken as the basis of discussion; but the Amendments to which the noble Duke referred would be placed on the table of the House in time to allow of ample consideration before the discussion on the measure — within a week of the time appointed for proceeding with the Bill.

LORD CAIRNS said, he had always understood that when the Government prepared Amendments to a measure, they placed them as soon as possible on the Notice Paper of the House, so that those who considered the Bill might understand how far it was modified by the Amendments. It was quite obvious that the Bill was not in the shape in which the Government were prepared to pass it; and, in order to facilitate discussion, he suggested that the Amendments should be laid on the table, or otherwise the people of Scotland would ask for further delay, on the plea that, though they had had time to consider the Bill, they had had no opportunity of considering the Amendments to it.

THE DUKE OF ARGYLL said, he had never admitted that the Amendments he was prepared to adopt were so extensive as to make the Bill practically a new Bill: on the contrary, it would be substantially the same Bill; and if it was to be discussed by parties out-of-doors he wished that the Bill, as now drafted, should be the basis of discussion.

LORD CAIRNS hoped it would be understood in Scotland that the Government were prepared with Amendments, and would not produce them.

COURTS OF LAW COMMISSION (SCOTLAND).—QUESTION.

THE EARL OF MINTO asked the Government, What arrangements have been made for printing and distributing, from time to time, the evidence taken before the Courts of Law Commission (Scotland)? The Scotch Law Commission held its first sitting on the 5th of December, 1868; and on the 31st of December it had already held thirteen sittings, and had received a mass of evidence sufficient to fill 350 pages of an ordinary blue book of the octavo size with closely printed matter; but nothing was distributed to Members of Parliament or Peers till Friday, the 16th of April. It would be well that, in future, the evidence should be printed, if possible, at quicker intervals.

THE EARL OF MORLEY said, that the amount of evidence taken since the last publication was so small, only three witnesses having been examined, that it had not been thought worth while to embody it in a Report.

ADJUTANTS (JURY) EXEMPTION BILL [H.L.]

A Bill to exempt Adjutants from liability to serve on Juries—Was *presented* by The Lord STRATHEDEN; read 1ª. (No. 75.)

House adjourned at half past Eight o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 26th April, 1869.

MINUTES.] — SELECT COMMITTEE — Inclosure Act, *nominated.*

PUBLIC BILLS — *Resolution reported* — Church Temporalities (Ireland) Commissioners [Advances].

Second Reading — (£17,100,000) Consolidated Fund; Merchant Shipping (Colonial)* [91]; Colonial Prisoners Removal* [92].

Committee—Irish Church [27]—R.P.

Committee—Report—Naval Stores * [88]; Bankruptcy * [50-97]; Imprisonment for Debt* [61-98].

Third Reading—Newspapers, &c.* [66]; Court of Common Pleas (County Palatine of Lancaster)* [26], and *passed.*

ARMY—LUNATICS—MURDER OF SERJEANT BARNES.—QUESTION.

MR. P. A. TAYLOR said, he would beg to ask the Secretary of State for War, Whether his attention has been called to the murder, in the Barracks of the Royal Engineers at Dover, of one Serjeant Barnes (a native of Leicester) by a comrade whose insanity was proved by many witnesses, one of whom, Benjamin Batten, a sapper in the same regiment, deposed to the fact in these words—

> "His conduct this last six months has been so strange that I have been frightened out of my life the whole time he has been out of hospital" (where he was placed as a lunatic). "I have lain awake for hours for fear of what he would do. It was not safe to be in the room with him. He was just like it when he came out the first time. He had been sent to the hospital several times, but the doctor has refused to take him in. This has happened lately. I believe he had no more intention to shoot Barnes than anyone else," &c.

Whether he does not think there was neglect on the part of some one, in allowing such a man to be at large, especially with access to arms and ammunition; and, whether he will not issue regulations calculated to prevent such a catastrophe in future?

MR. CARDWELL, in reply, said, it was true that the sapper to whom reference had been made was long supposed by his officers and comrades to be suffering under insanity; that he had been fifty-three days in hospital within the last few months, but that he had been discharged by the surgeon under the impression that he was sane, and he afterwards discharged his duties with perfect regularity. However, he was bound to say that, after communicating with the Director General, neglect might be justly imputed to the surgeon, and the Director General had been directed to communicate officially with him.

ARMY—CONCENTRATION OF ARMY OFFICES.—QUESTION.

Mr. R. SHAW said, he would beg to ask the Secretary of State for War, Whether the rumoured purchase of Dover House by Her Majesty's Government is correct; and, if so, what are the objects for which such purchase has been made?

Mr. CARDWELL said, in reply, that it was not true that the lease of Dover House had been purchased by the Crown. But, on the matter to which he understood his hon. Friend's Question pointed, he had to say that the best mode of placing the War Department and the Horse Guards under the same roof was now under the careful consideration of the Government.

IRELAND—PURCHASE OF RAILWAYS. QUESTION.

Mr. W. ORMSBY GORE said, he wished to ask the Chief Secretary for Ireland, If he is in a position to say whether the Government is aware of the general wish of the Irish Representatives upon the question of the Railways in Ireland, and is prepared to deal with that question in accordance with that wish?

Mr. GLADSTONE said, the Government was aware of the general wish expressed—not only by the Irish Representatives but also by many Peers and other persons of great weight and importance—on the question of the railways of Ireland, that the Government would introduce a measure on the basis of the Report of the Irish Railway Commission. He presumed, however, that the Question of the hon. Gentleman included generally the intention of the Government with regard to Irish railways; because, though the second Report on the Irish railways indicated one way of dealing with them, yet there might possibly be other methods of dealing with them which would be equally efficient. However, he had to say this, that they were aware of the desire entertained by the Representatives of Ireland, and by persons of great weight and importance; there was a strong reason why they should give their most careful and respectful attention to this question. The hon. Member, however, would not be surprised when he told him that, during the four or five months that had elapsed since they were in Office, it had not been in their power to deal with this kind of question, and to give it that attention which was required both by its own importance, and by the unusual character of the measures which it was proposed to take. He could only, therefore, promise, on the part of the Government, that, at the earliest period which it was in their power, they would give that careful consideration to the subject which its importance deserved; though it would be wrong for hon. Gentlemen to anticipate from the colour of his answer what the result of that consideration would be.

INDIA—ACCOUNTS.—QUESTION.

Mr. E. T. HAMILTON said, he wished to ask the Under Secretary of State for India, Whether he is aware that considerable dissatisfaction exists in India at the want of detail in the Accounts of the Home Charges; whether the Accounts of these Charges as laid before Parliament are circulated by the Indian Government for the information of the public in India; and, whether any representations requesting further detail have been made to the Secretary of State by the Indian Government?

Mr. GRANT DUFF said, in reply to his hon. Friend's third Question, he had to state that no representations requesting further detail had been made to the Secretary of State by the Indian Government. In reply to his second Question he had to say that the accounts of these charges, as laid before Parliament, were published at full length in the *Gazette of India* for the information of the public in India. In reply to his first Question, he believed some dissatisfaction did exist in India at the supposed want of detail in the accounts of the home charges, but that dissatisfaction, so far as he could discover, was founded simply upon a misconception with regard to the amount of the information which was now laid before the public. At the same time, if the Indian Government had reason to think that the Indian public really wanted further information about the home charges, they could, of course, give it;

but, if it did, its appetite for figures must, he thought, be preternatural.

THE BRITISH MUSEUM—THE TEMPLE COLLECTION.—QUESTION.

Mr. W. LOWTHER said, he would beg to ask the hon. Member for the University of Cambridge, Why the collection of works of art, &c., in the British Museum, known as "The Temple Collection," no longer exists under that name, and whether some means could not be taken for keeping that collection together, or having the separate objects marked as having belonged to the late Sir William Temple?

Mr. WALPOLE said, he would endeavour to explain the facts of the case with reference to "The Temple Collection," and he believed the hon. Gentleman would find that the Trustees of the British Museum had done everything to satisfy him and the public. "The Temple Collection" was left to the Museum some years ago, and for some time the collection was kept together as a whole, that it might be seen at one time; but since then other works of art of a similar nature had been given to the Museum or purchased by them, and it was then thought better to intermix them, so that objects of a similar character might be seen together. A descriptive catalogue of the collection had been, however, ordered to be made, and all the articles, or at least the more material of them, would have labels which would show every article that had come from "The Temple Collection."

GRAVESEND COUNTY COURT. QUESTION.

Sir CHARLES WINGFIELD said, he would beg to ask the Secretary of State for the Home Department, When it is intended to commence the construction of the County Court House at Gravesend, as the site for this building was purchased two years ago?

Mr. AYRTON said, in reply, that a sum was placed in the Estimates of the present year for this building, and if it were voted by the House, the building would be commenced at once.

SMOKING ON METROPOLITAN RAILWAYS.—QUESTION.

Mr. CADOGAN said, he wished to ask the President of the Board of Trade, Whether he is aware that the Metropolitan District Railway is worked by the Metropolitan Railway Company, forming together one continuous system; and, if so, whether his attention has been drawn to the consequences of the late legislation in reference to smoking upon the said lines, whereby passengers, with the right of smoking in certain compartments on the Metropolitan District Railway, will be required, when travelling over any section of the line owned by the Metropolitan Company to abstain from smoking until they again come upon the District Company's property?

Mr. BRIGHT: I am sure, Sir, that the House will be tired of hearing this question. I know, of course, that the legislation of this House respecting the two lines is in conflict, but the Board of Trade cannot undertake to settle everything, and I think the question of cigars may be left to the Directors of the two companies to settle, even after the legislation to which the House has agreed.

INDIA—BANDA AND KIRWEE PRIZE MONEY.—QUESTION.

Mr. O'REILLY said, he would beg to ask the Secretary of State for War, If he can state why seven men of the 5th Battery, 17th Brigade, Royal Artillery (formerly A Company, 4th Battalion, Madras Artillery), now stationed at Dover Castle, who are entitled to a share of the Banda and Kirwee prize money, have not yet received it?

Mr. GRANT DUFF said, in reply, that the delay had occurred because the Indian Government was assured by the Government of Madras that this money had been paid in India to the officer commanding the battery to which these men belong. There was, however, evidently some mistake, as that officer denied that he had ever received it. The Government of Madras had been asked to make a strict investigation into the facts, and he trusted soon to have the mistake set right.

INDIA—MUSCAT AND ZANZIBAR. QUESTION.

Sir STAFFORD NORTHCOTE said, he wished to ask the Under Secretary of State for India, Whether any arrangement has been come to by the Government of India with reference to the disputes between the rulers of Muscat and

Zanzibar; or whether any action is now contemplated in respect of the affairs of the States bordering on the Persian Gulf?

Mr. GRANT DUFF said, in reply, that no arrangement had yet been come to about this very difficult matter, which did not tend to become less complicated, nor was any action contemplated at present with reference to the affairs of the States on the Persian Gulf.

SAVINGS BANKS.—QUESTION.

Mr. CAWLEY said, he would beg to ask Mr Chancellor of the Exchequer, Whether he is willing to give to the trustees of ordinary Savings Banks authority to receive from any one depositor the same maximum amount in any one year, and the same aggregate amount which it is proposed by the Bill now before the House to confer upon Post Office Savings Banks?

The CHANCELLOR of the EXCHEQUER: Sir, I see a great objection to the proposal which the hon. Member makes. The objection forms itself in this way. We pay to the Post Office Savings Banks, on deposit £2 10*s.* per cent interest, and to the ordinary savings banks £3 5*s.* per cent. Now, the interest of £3 5*s.* per cent causes a loss to the Government, and the general tax-payer is, to that extent, a loser by the transaction, because it is the nature of this business to compel us to buy stock when it is high, and to sell it when it is low. I do not think it desirable, therefore, for the Government to increase a business which is undertaken for the benefit of a class, however deserving, but by which the Government is an actual loser. Then we offer another alternative—the Post Office Savings Bank, which gives to the depositors the absolute and ample security of the Government for every farthing invested; for, unless the Government becomes insolvent, they are sure to be paid. The ordinary savings bank does not give that security. It gives to the manager very sufficient security, but there is no security that the manager will not defraud the depositors, and if he does, the depositors have no remedy against the Government. The matter, therefore, goes to this—that we are giving a larger interest to tempt persons to take the worse security. Ordinary savings banks—most excellent institutions of their kind—have really become now of very questionable advantage. When we consider, too, how much the poor lose by trusting their money with imperfect security, I think it very desirable, without taking any unfair or unreasonable course against the ordinary savings banks, that we should endeavour to get the money of the poor placed where it would be perfectly secure.

Mr. HIBBERT said, he would beg to ask Mr. Chancellor of the Exchequer, If he is aware that the expenses of the Post Office Savings Bank is only 14*s.* per cent?

The CHANCELLOR of the EXCHEQUER: I do not see how that will affect my reply.

RATING OF MINES.—QUESTION.

Colonel DUNCOMBE said, he wished to ask the President of the Poor Law Board, If it his intention to introduce, during the present Session, a Bill for the purpose of placing the rating of mines on a more satisfactory footing?

Mr. BRUCE said, in reply, that the subject has been under the consideration of the Poor Law Board for a considerable time; but under the great pressure of business in the office it was impossible that a Bill dealing with it could be brought forward in the present Session.

POST OFFICE—COMMUNICATION WITH SOUTH WALES.—QUESTION.

Mr. JONES said, he would beg to ask the Postmaster General, Whether the negotiation between the Post Office authorities and the London and North Western Railway Company for the conveyance of letters from the Midland Counties and the North of England to the Western Counties of South Wales, viâ the Central Wales Railway, is concluded, and whether he is prepared to state the result?

The Marquess of HARTINGTON said, in reply, that representations had been made to him on this subject by deputations from Wales; but he thought it desirable, before negotiating with the North Western Railway, to see if the Great Western would be willing to make such alterations in the conduct of their service as would give the desired accommodation, because, if they did, their services extended over a larger space than the North Western could do. He had accordingly been in communication with the Great Western, and arrangements were in progress by which he hoped the greater part of the improvements asked for by the hon. Gentleman would be effected.

NAVY—MOORINGS IN DOVER HARBOUR.

QUESTION.

Major DICKSON said, he would beg to ask the First Lord of the Admiralty, If instructions have been given by the Admiralty for the Government moorings in Dover Bay to be examined; and, if so, by whom the duty will be performed?

Mr. CHILDERS said, in reply, that there were two moorings in Dover Bay. As the House was aware, on Easter Monday, an accident happened to one of them, which ended in the loss of a brig, the tender to a training ship. An officer connected with one of the dockyards had been sent down to repair the broken mooring, and the other would be examined at the same time.

ROYAL PATRIOTIC FUND SCHOOL—THE BOY M'GREGOR.—QUESTION.

Mr. LOCKE KING said, he would beg to ask the Secretary of State for War, Whether there are not previous letters to those which have been laid upon the Table of the House, in answer to a Return to an Address moved for, relating to the boy M'Gregor, who was placed in the Royal Patriotic Fund School?

Mr. CARDWELL, in reply, said, all the letters it was thought necessary to include had been included in those presented. He would readily place those kept back at the disposal of his hon. Friend, and if he thought necessary would lay them on the table.

POST OFFICE—NEW YORK MAILS.

QUESTION.

Mr. EASTWICK said, he would beg to ask the Postmaster General, Whether the Bremen Company have made arrangements with the Post Office to land the Mails from New York at Plymouth?

The Marquess of HARTINGTON said, he had to state that the arrangements for the transmission of the mails from the United States to this country, including the landing of them, were made by the United States Government, and Her Majesty's Government had not received any intimation that it was the intention of the United States Government, or of any company in their employ, to land the mails at Plymouth.

ARMY—STORAGE OF SALTPETRE.

QUESTION.

Mr. Alderman LAWRENCE said, he would beg to ask the Secretary of State for War, Whether the expense of twelve or fifteen hundred pounds a year incurred for storing Saltpetre in the Docks and private Warehouses may not be saved by storing the same in the Government depôts; and, whether he will state what quantity of Saltpetre belonging to the Government is at present stored in the Docks and private Warehouses?

Mr. CARDWELL said, he entirely agreed with his hon. Friend that this would be a judicious piece of economy—so judicious, indeed, that the stores of saltpetre were now in course of removal as his hon. Friend suggested, and were now almost all removed.

THE CONVICT O'FARRELL.—QUESTION.

Mr. NEWDEGATE said, he had put a Notice on the Paper to ask the right hon. Gentleman the First Lord of the Treasury, When he would bring forward his Motion to rescind the Order of the House respecting the production of the Papers from Australia? Since then he saw that the Notice to rescind was put down for to-morrow, which was not a Government night. He wished to ask the right hon. Gentleman if he meant to persevere in his Notice for to-morrow?

Mr. GLADSTONE said, the Notice to which the hon. Gentleman referred stood on the list of Notices for to-morrow, and there was no reason why it should not come on. It was his intention to press it to-morrow.

POST OFFICE—THE NORTH GERMAN CONFEDERATION.—QUESTION.

Mr. HARDCASTLE said, he would beg to ask the Postmaster General, Whether any negotiation has taken place with the North German Confederation on the subject of postage; and, if so, when any reduction may be expected to take place in the rates at present chargeable on letters and newspapers between England and Germany?

THE MARQUESS of HARTINGTON said, in reply, that negotiations took place in November last at Berlin upon this subject, but the Prussian Government demanded too high rates for the transmission of mails in transit through the North German Confederation, and the negotiations were in consequence suspended.

IRISH CHURCH BILL—[BILL 27.]

(*Mr. Dodson, Mr. Gladstone, Mr. John Bright, Mr. Chichester Fortescue, Mr. Attorney General for Ireland.*)

COMMITTEE. [*Progress 23rd April.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 24 (Building charge to be paid on commutation of annuity).

DR. BALL said, he would propose to omit these words in the clause, the effect of which was to allow a deduction for repairs to be made from the building charge, when the value of the life interests was commuted.

MR. GLADSTONE said, he could not accede to the Amendment. The Government were not seeking to make money out of the glebe houses, and the Commissioners would be no richer on account of them, and would not be reimbursed for the money which would be necessary to obtain possession of them.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 25 (Enactments with respect to churches).

MR. DISRAELI said: Sir, I ask the permission of the Committee to explain the motives by which I have been influenced in proposing the Amendments which stand in my name upon this and following clauses. The Attorney General for Ireland (Mr. Sullivan) said the other night that the only object of these Amendments was to maintain the connection between the Protestant Episcopal Church in Ireland and the State, in order that the character of supremacy which now attaches to the Church might be maintained. Now, I have myself never for a moment attempted to conceal that I thought that a desirable object. I have never for a moment attempted to induce the House to believe that I had at all relinquished my desire to attain that result as one which I thought highly important to the Protestant Episcopal Church in Ireland. That Church ought not to subside into a sect, and so partake of the ultimate degradation which I believe will be the fate of every sect in Ireland which has to cope with the Roman Catholic Church, after the passing of this measure, the dominant Church in Ireland. Although I may have to apologize to some of even my own Friends for saying it, I do not think that these sects will be able to compete successfully with the organization, the tradition, the discipline, and the learning of that powerful Church, and therefore it is that I feel called upon to oppose any arrangement which must result in the Protestant Episcopal Church of Ireland subsiding into a mere sect. That is not, however, the motive which has influenced us in placing these Amendments upon the Paper. That was the motive which induced us to oppose the second reading of the Bill, and which may in all probability induce us to oppose the third reading of the Bill. But when we entered into Committee we assumed that this Bill might pass into a law, and our object was, if possible, that it should pass in a shape as little disadvantageous as could be to the great body of our Protestant fellow-countrymen in Ireland. One object of these Amendments upon this clause and upon the clauses that follow is to assert, and in some degree, if possible, to secure, the vested rights of the laity. It is not possible to define the vested rights of the laity with the same precision as one can define the vested rights of the incumbent in his benefice, which is simply that of a vested right in a freehold. What may happen hereafter I, of course, cannot say, but as yet the opinion of the people of England has changed so little with regard to the sacred character of a freehold, and the constant nature of the rights which arise from it, that when the vested rights of a person in a freehold are before Parliament for compensation no difficulty arises in inducing Parliament to view the case in a spirit of justice and of liberality. But the vested rights of the laity in Ireland, although not susceptible of so precise a definition, are equally valid with those of a freeholder, and, perhaps, if the higher principles of policy are considered, they become even of greater importance. In all measures of this kind, necessarily revolutionary in their character, the great discontent that is created, and which becomes chronic in the country, generally, or, I may say, always, arises from the vested rights of the laity being disregarded in effecting the settlement of the question. The clergyman, although he dislikes the change, may be satisfied and reconciled to it by the compensation he receives. Even when we abolished the monasteries in this country we gave pensions to the monks. But the great mass of the people, whose principles are disregarded and outraged, and whose privileges and rights are diminished and destroyed, are those who feel discontent, and they are the people whose discontent constitutes the permanent difficulty of the Government and the danger of the State. Therefore it is that I and those who think with me conceived it to be of the utmost importance that if this revolutionary measure — and I use the word "revolutionary" in its true sense and not in an invidious one—if this great measure of unconstitutional change, or of change in the constitution, was to pass, it was desirable that it should pass with such conditions and arrangements as would create as little shock as possible to the feelings of the great body of the laity of the Protestant Episcopal Church in Ireland. And I am bound to say that, when this policy was first introduced to our notice by the right hon. Gentleman then leading the Opposition, we understood that such was the feeling that influenced him in the matter as well as others who were among the most influential supporters of his Motion. It is only a little over a year ago since the right hon. Gentleman the Member for Birmingham addressed the House upon this very point, and I must say that, although I was opposed to the policy which he recommended I entirely sympathized with his view—that if ever that policy were to be carried into effect, it should be based upon the principles to which I have referred. The right hon. Gentleman the President of the Board of Trade on that occasion said that, in matters of this kind where great changes were proposed to be effected, it was necessary that the Government should come forward in a gracious and generous spirit. But he said more than that. He said that, if the question of State supremacy should be given up, no reasonable concession ought to be withheld for a moment, and he appealed to the right hon. Gentleman opposite to say whether he did not agree in those views, and in the spirit and policy which he so eloquently expressed upon that occasion. I do not know whether that appeal was arranged; but I know that the right hon. Gentleman the then Leader of the Opposition rose from his place with almost prophetic promptness, and said that he agreed with the right hon. Gentleman the Member for Birmingham, that that was the policy, and the only policy, with which an issue of this gigantic character could be proposed. And the right hon. Gentleman did not then refer merely to vested interests and proprietary rights. Respecting these, of course, there could be no question; but the right hon. Gentleman stated that every legitimate claim would be considered in such a spirit as that, if there was a doubt, the benefit of it would be given in favour of those on whom the measure for disestablishing and disendowing the Church would press. That was the policy which the right hon. Gentleman expressed to the last House of Commons when he wished it to adopt a course to which I will affix no epithet—I say I will affix no epithet to it, because I do not want to do anything which could excite the passions of the House in reference to this Bill. But, understand that it was upon the description of his policy to which I have just called attention the right hon. Gentleman obtained the support of Parliament for that policy. Was that policy changed during the General Election? On the contrary, it was repeated; it was reiterated; it was passionately enforced and illustrated. I remember reading one speech of the right hon. Gentleman's, in which he said that when the question of the sacred buildings, the churches and the residences of the ministers came to be considered, he felt perfectly certain that if a *bonâ fide* wish were expressed on the part of the Protestant Episcopal body in Ireland to retain these churches for the purpose of Divine worship, and the houses as residences for their ministers, there was not a man in England who would grudge that body the possession of them. So the elections occurred under the same expression of policy. There was a perfect concurrence in the views expressed on the hustings by the right hon. Gentleman and one of the most considerable of his Colleagues and those which they had expressed in this House. The country understood that if this great change was to be accomplished, it was to be accomplished in—to use the language of the right hon. Gentleman the President of the Board of Trade—"a gracious and generous spirit." So that the State supremacy was abolished there was no reasonable concession which might not without difficulty be made. Well, Sir, I ask the House—Has this Bill been framed in that spirit? Is the clause which is before us framed in that spirit? We have had the policy of the Government in reference to this measure expressed by other Members of the Cabinet in this Parliament. When this Bill was introduced, and when I read and sifted its provisions, I felt that there was an extraordinary and glaring contrast between it and the statements of the right hon. Gentleman at the head of the Government and the President of the Board of Trade in the last Parliament and on the hustings of the country. But it was unnecessary for me to call the attention of the House to the matter, because the Government, in an authoritative and official manner, announced that they had entirely changed their policy. The policy we had been led to expect was a gracious and generous policy; but a Cabinet Minister peculiarly connected with the administration of Ireland, the Chief Secretary to the Lord Lieutenant, took an early opportunity of boasting that the measure brought in by the Government was "a severe and sweeping measure." Now, I wish some explanation, because I think we have arrived at a point at which explanation is absolutely necessary. How can we reconcile statements so contrary? Then, we are told, as the Committee was told last Friday by the Attorney General for Ireland, that our only object in proposing these Amendments is a sinister object—an object which we dare not avow, and which would not be in harmony with the duty of the Committee. I am bound to vindicate these Amendments, and principally the one I am now going to call attention to. There is, I say, no sinister meaning in them. With the exception to leave out Clause 2, the purpose of which I candidly avowed in this House, the objects of our Amendments have been to carry into effect that which the First Minister of the Crown and the President of the Board of Trade stated in this House and reiterated on the hustings to be their object—namely, that this settlement should be carried out in a "gracious and generous" and not in a "severe and sweeping" spirit. I want to have some explanation of the reasons for a change from a "gracious and generous" to a "severe and sweeping" policy. A "gracious and generous" settlement, indeed! The Chancellor of the Exchequer, with that sympathy with the softer emotions of human nature which always distinguishes him, rose up in his place and said—

> "Generosity? What have we to do with generosity? If we are to be generous, you are asking us to be generous with the money of other folks."

Two inferences are to be drawn from that statement of the Chancellor of the Exchequer. It may be very right to sneer at a "gracious and generous" settlement of this great political question, though we know that on its settlement being a generous one the future welfare and peace of Her Majesty's dominions may depend; it may be very well to sneer at generosity in this matter, but the Chancellor of the Exchequer ought to recollect that he serves under a Prime Minister pledged to a generous settlement. I want to know how he can reconcile that official statement of his with the declaration and engagement of his Chief. The second inference to be drawn from the Chancellor of the Exchequer is that the generosity he disdains is being generous with the money of other folks. If this be so, how can we reconcile that sentiment with his support of the Bill before us, which proposes to take a large portion of the property of the Church and give it to the College of Maynooth? I do not grudge the College of Maynooth complete and liberal compensation; but when the Chancellor of the Exchequer speaks against being generous with the money of other folks, he ought to recollect that the policy he thus disowns is adopted in the Bill now before us. I think, therefore, we ought to have some explanation as to the cause of the change from a "gracious and generous" to a "severe and sweeping" settlement. I believe the reason is notorious. I believe that some influence—that some deleterious influence—has been introduced upon the scene, and has effected that change; but that is no satisfaction to us, nor do I think it is any satisfaction to the great body of the people of England who were induced to support the right hon. Gentleman by the representations which he made. The clause which we are now considering, and several clauses which follow refer to the churches, the glebes, and the glebe houses. Can any one doubt that when, in the last Parliament, that interlocutory conversation occurred between the Prime Minister and the President of the Board of Trade, and when the other declarations to which I have alluded were made in places scarcely less important and under a responsibility scarcely less clear — the churches and glebe houses were among the concessions which it was then contemplated to make the Protestant Episcopal body in Ireland? In this clause, after one or two alterations which I intend to propose, there is one to which I wish to call the special attention of the Committee; because, while the Government are acting on those political principles which no doubt they conscientiously respect, and to which they wish to give effect by this Bill, this clause affords them one of the first opportunities they have had of carrying out that policy in a "gracious and generous" spirit. The Committee should consider this, or know it, that under the existing system the Ecclesiastical Commissioners in Ireland, out of an ecclesiastical fund known as the Prelates' Estates, bear the annual expense of repairing the churches. The annual expenditure in respect of the churches is, I believe, £30,000; of which £24,000 is for repairs, and £6,000 for heating and lighting. What I propose is, to have that amount multiplied for a certain number of years, in order that the total may form a fund for the uses to which it is now annually applied. I propose fourteen years, because, notwithstanding the discussion on Friday night, I think no reason has as yet been given why that number of years should not be taken in compensation for the Protestant Episcopal Church as well as in those for the other Churches in Ireland. Fourteen years are taken in a subsequent clause in order to estimate the compensation to be given in the case of the buildings of Maynooth, and therefore it will apply completely to this instance. I have now placed before the Committee a vindication on our part of the spirit in which we have prepared these Amendments. We have prepared them with a view to carrying into effect the gracious and generous policy to which we believe that the Government are pledged. We have prepared them with no other and no sinister object, and when the right. hon Gentleman the Attorney General for Ireland next assails us in the fervent rhetoric of which he is a master, he will, I hope, well weigh the charges he makes against us. The right hon. Gentleman concluded by moving the first Amendment of which he had given notice—in page 9, line 36, after "works" to insert "to be preserved."

Mr. GLADSTONE: Sir, the right hon. Gentleman has delivered a very comprehensive speech, including within its scope not only the Amendment which he has moved, but other Amendments which he has not yet moved, and also the general principle of the Bill. He has discussed the subject in a very entertaining manner, though not without some traces of passion which I agree with him we ought all to be anxious to exclude. As regards the principle of the Bill, I believe I can answer the appeal of the right hon. Gentleman in a very few words. I am not aware of having myself employed the particular epithet "generous" in regard to the manner in which we were to approach the consideration of this question; but I own that I sympathize a great deal with the Chancellor of the Exchequer, and I always begin to suspect something wrong when I hear of generosity in connection with the management of public affairs. Certain words in that direction I may have used — "equitable," "careful," "considerate," and such like. That is very possible, and they may amount to what was meant by the President of the Board of Trade when he used the word "generous." [Mr. Disraeli: Gracious and generous.] Well, gracious and generous. Generally speaking, and subject to the reservation I have made, I adopt those words, and, moreover, I contend that the Bill is framed in that spirit. Then the right hon. Gentleman says that there has been an official announcement of a fundamental change in the policy of the Government, and that we now, instead of being gracious and generous, propose to be severe and sweeping —epithets which the right hon. Gentleman quoted from the speech of my right hon. Friend the Chief Secretary for Ireland. Well, Sir, but I adopt these words also. I adopt them in this sense, which appears to me plain and simple, that after you have done everything that equity and considerateness in a measure of this kind fairly permit, yet still, from its very nature and character, it must be, from the point of view of those who object to it, a severe and sweeping measure. There has been no change whatever in the policy or views of the Government; and the epithets used by my right hon. Friend the Secretary for Ireland are just as appropriate and correct, when you regard the measure from one point of view, as are the epithets of my right hon. Friend the President of the Board of Trade when you regard it from another. So much for the general question; but it is a little singular that the right hon. Gentleman opposite, in a speech intended to recommend this exceeding generosity, should have submitted an Amendment for the purpose of preventing the use of certain buildings for the purposes of public worship. I no not, therefore, quite understand the illustration which his Amendment affords. His Amendment, however, does not appear to me to be necessary, for it proposes nothing but what is the intention of the clause. This portion of the clause refers to certain churches — of which the seven churches of Glendalough are the most conspicuous examples — ancient ecclesiastical remains, which are extremely curious and interesting in themselves, and which require to be vested in some public authority for the purpose of being maintained, but which are not suitable to be maintained by any religious body or communion, because not suitable for restoration as places of public worship. That is the intention of the first sub-clause to Clause 25 as it stands, and that I understand to be the intention of the two Amendments to the clause. Those Amendments only show a further development by words of our intention, and we have no objection to them. With regard to the larger Amendment, however, which the right hon. Gentleman announces for another clause, when the proper time comes, we must I am afraid, offer a most decided opposition to it.

Amendment *agreed to.*

A further Amendment made, after "monument" insert "and not to be used as a place of public worship."

Sir GEORGE JENKINSON said, he rose to move the following Amendment:—

"Leave out sections 2, 4, 5, and 6, and after section 3 insert 'all churches, churchyards, schools, and schoolhouses, and all glebe houses and glebe lands attached thereto, which are in the use of and in possession of the Irish Protestant Church at the time of the passing of this Act, shall be vested in the representative body of the said Church, without any conditions being imposed other than are now attached to the ownership of the same.' This to form Clause 25, with sections 1, 3, and 7 retained."

The sections he wished to leave out seemed to impose a variety of conditions which appeared harsh and unfair. By this Amendment he proposed to consolidate those sub-clauses into one clause. This Amendment, he thought, was at all events worthy of discussion. The only object he had in view was to defend the interests of those who were not there to defend themselves, the clergy and others who were to be dispossessed of the property they had held so long, and which they had not applied to any evil purpose. There were in Ireland 132,000 acres of glebe land, of which 110,000 had been granted to or purchased by the Church since the Reformation. By the Bill, every acre of those glebe lands was to be consfiscated, which was hardly in accordance with the terms which had been used by the right hon. Gentleman at the head of the Government, even if the word "generous" was excluded. It was not fair, or right, or righteous to dispossess men of property in order to give it to others who had no better title to it. They were told, indeed, that the Church Body was to be allowed to buy back ten acres of their own property for the use of every incumbent, and in addition might purchase the site of the glebe houses. The houses themselves would have to be bought back at a cost of £250,000. He did not think that was in accordance with the words of the Address to Her Majesty.

Colonel GREVILLE-NUGENT rose to Order. Clause 25 did not deal with glebe lands at all, and the hon. Baronet could not, therefore, discuss that question till they came to Clause 27.

The CHAIRMAN ruled that the hon. Baronet was not out of Order, as he was not really travelling out of the subject-matter of the clause. The second sub-section, however, related to churches.

SIR GEORGE JENKINSON said, that his Amendment referred to ecclesiastical buildings, and he was going to read an extract showing the number of churches that had been built.

THE CHAIRMAN: The hon. Member's Amendment appeared to him to divide itself distinctly into two. First, the hon. Member proposed to omit sub-section 2 of this clause, and retain sub-section 3; and omit sub-section 4, 5, and 6, and after sub-section 3 to insert the Amendment which stands upon the Paper. That is a distinct Amendment. He will have in the first instance to move the omission of the words in sub-section 2; then the insertion of words after sub-section 3 will form a separate Amendment.

MR. NEWDEGATE said, the Amendment was connected, and if the hon. Baronet were not allowed to discuss it as a whole, he would be able to discuss nothing but its verbal effect. It was impossible to discuss the subject of this Amendment unless it was discussed as a whole, and unless it was discussed with reference to those subsequent portions of the Bill which related to the same subject.

THE CHAIRMAN said, he had pointed out that the Amendment must be moved as two separate Amendments. He had fulfilled his duty in pointing that out to the hon. Member, and it was for him to adopt the course he thought fit consistently with the rules of the House.

SIR GEORGE JENKINSON said, he was willing to divide his Amendment into two parts. What he wished to urge was that the property now belonging to certain individuals, and appropriated to certain sacred purposes, should be retained for them. He appealed to the right hon. Gentleman at the head of the Government whether he would be contravening the principles of his Bill by doing justice and permitting those who held churches, burial grounds, schools, school houses, or glebe houses and glebe lands, to retain the land, houses, and churches they had always possessed? That they should do so would only be in accordance with the terms of the Address to the Queen and Her Majesty's gracious Answer, and with the declared purpose that the Irish Church was to be dealt with fairly and kindly as regarded all interests involved.

Motion made, and Question proposed, to omit sub-section (2):—

"Where any church is in actual use at the time of the passing of this Act, and the representative body of the church at any time within six months of the first of January, one thousand eight hundred and seventy-one, apply to the commissioners stating that they require such church for religious purposes, and are willing to maintain the same in good repair, or desire such church for the purpose of taking the same down and erecting another church or churches in its place, the commissioners shall by order vest the church in the said representative body of the said church, subject to any life estate or interest that is existing therein."

MR. CONOLLY said, he wished to refer for a moment to the first sub-section of the clause.

MR. GLADSTONE said, the Amendment before the Committee pertained to the second sub-section of the clause, and it was not competent, therefore, for the first sub-section to be discussed.

THE CHAIRMAN said, the first sub-section could not now be discussed.

MR. CONOLLY said, he would confine himself to the third sub-section, which gave the number of such national monuments as the clause permitted to be maintained, and which should not exceed twelve. He wished strongly to press upon the Government the propriety of acceding to the Amendment, and of thus avoiding the infliction of an injury which could not be compensated by money—an injury going to the heart's core of every person holding the Protestant religion in Ireland. It was painful enough to see the institution which they venerated taken down stone by stone; and they could only hope that an Amendment like this, which was founded upon justice, would find favour with the Government. It was a small and miserable thing to ask, but it was a wretched thing to be denied. They asked merely that the churches in which they had worshipped and the glebe lands possessed by their pastors should still remain the property of their communion. He warned the Government that extreme severity—that the exaction of the last pound of flesh would produce a state of feeling which it would take many years to remove. It was a terrible thing to see their churches handed over to a lay Commission, to be composed of unknown members, and it was a terrible thing to see their pastors divested of the gardens and lands upon which their families had been brought up. It was terrible that the lands of the Church should be handed over to the enemy. This was a hostile Bill, brought in by internecine enemies, and if this excessive severity were persevered in the worst results would follow.

Mr. CHICHESTER FORTESCUE said, he understood, appreciated, and sympathized with, though he did not share, the feelings of the hon. Member, but he protested against the promoters of the Bill being considered as internecine enemies of the Irish Church, and he claimed to be as good a friend to it as the hon. Member. As to this Amendment, the Bill left the Church the greater part of what was claimed for it. It left to the Disestablished Church all churches, churchyards, schools, school houses, and glebe houses, with the exception that it called upon the Church Body to make partial, and very partial, re-payment to the State of the charges which the Commission would find it their duty to pay. What they would have really to deal with in the subsequent Amendment were the words "glebe lands attached thereto," by which he supposed the hon. Member meant all the glebe lands of the Irish Church, because they were all attached to some benefice. In common consistency the Government would have to resist this proposal, the effect of which would be to leave the Church, which they professed to disendow, with an enormous portion of her property in land. The clause had nothing to do with individual lands; it dealt only with churches; and, setting aside glebe lands, the clause as it stood effected all the hon. Baronet wished.

Mr. NEWDEGATE said, the right hon. Gentleman had told them that the Bill made no change with respect to churches and glebe houses. That, however, was incorrect, for it made this change—that, although those properties were to be held during the lives of the present incumbents, the title of the parishes and congregations to that property would be afterwards alienated. There had been many sneers when it was said that the Church of Ireland, like that of England, was an aggregation of corporations; but those who had used those sneers had overlooked an important element recognized by the Church of England, and recognized also by the canon law of the Church of Rome. It was most important that each congregation when formed into a parish should have an absolute title to the property which it had originally created for the purpose of its worship. That was a principle which was characteristic of the Church Catholic throughout the world, and it was a principle which was recognised by all the Dissenting bodies. Let hon. Members consider how little prospect there would be of any provision being made for religious purposes, unless the congregations could be sure that the property which they had contributed, not only for their own use, but for the use of their successors, should permanently belong to the communities to which they were attached. The adoption of the contrary principle would strike at the root of all religious foundations as they had hitherto existed throughout the Christian world. It was often made a reproach to the Church in Ireland that it was a State Church. But if that clause was passed it would, indeed, become a State Church instead of an Established Church; because, the body in which it was proposed that property should be vested was to be a creation of the State, and the local possessors would be deprived of their existing rights. If the property was all aggregated in the hands of one great corporation created by the State, how easy it would be hereafter for the State to destroy all local and congregational titles which were in the nature of personal titles; and then by that means the principle of confiscation would be established, and established in a manner which would act in derogation of the tenure of all property.

Mr. GLADSTONE said, he could not help thinking that that discussion was somewhat out of place. By the 12th clause of the Bill they had already provided that the property of the Church of Ireland—that was, of the corporations that made up the ecclesiastical body—should be vested in Commissioners, and the clause they were now upon tended to the restoration of that property to the Church about to be incorporated under the Act. If the hon. Gentleman the Member for North Warwickshire (Mr. Newdegate) wished to stop the vesting in Commissioners, they would have to go back to the 12th clause for that purpose. Before the question was put as to the omission of the sub-section of this clause, he wished to take the opportunity of referring to certain Amendments to it of which notice had been given. It was proposed by the hon. Member for Dublin (Mr. Pim) that the Church Body should not be called on to declare their willingness to maintain the churches in good repair. Now, the Government did not see such value attaching to the words in the clause as to induce them to desire the retention of them. The effect of the sub-clause so amended would then be—on a simple declaration by the Church Body of its desiring a particular church for religious purposes, or to take the same down and erect another church or churches in its place—to give them the whole churches of Ireland now in use with no other restriction than that declaration. They would be entirely in the hands of the Church Body, subject to the general obligations of law. There would be nothing in the clause to entitle the Commissioners to interfere with each minister, which was very far from what they desired.

Mr. GATHORNE HARDY said, he thought the less the Commissioners had to do with the churches or chapels the better. He agreed so far with the hon. Baronet in the object he had in view; but he did not consider it would be advisable that his hon. Friend the Member for North Wiltshire (Sir George Jenkinson) should press his Amendment in the form in which he had put it. The preceding portion of the Bill vested the property in the Commissioners, and that 2nd sub-section was introduced for the purpose of getting back the different churches. Some misapprehension might be created if they were to vote against such a provision; and he might add that he did not think it desirable they should mix up the question of the glebe houses and glebe lands with the question of the churches. Each of the Amendments should come before the Committee separately, and then they could more advantageously take their decision upon it. He hoped his hon. Friend would withdraw his Motion, allow the Amendment of the hon. Member for Dublin (Mr. Pim) to be made, and then propose his Amendments *seriatim* on the different sub-sections of the clause.

Sir GEORGE JENKINSON said, he would not press the point, but was quite willing to leave the matter in the hands of the Committee. At the same time, he must observe that the Chief Secretary for Ireland had made some very important admissions. It was proposed to remit the condition as to building to Maynooth; why was not the same generosity extended to the Protestant Church. Then, as to the glebe lands, would the Government agree to insert the words "the glebe lands attached thereto?" That Amendment would prevent a poor man's garden being taken from him, or his being compelled to buy it back. That would very much remove the sting of the measure. He would not, however, press his Amendment, but leave the matter in the hands of the Committee.

Mr. BRUEN said, he wished to have some explanation of this sub-section. If it were passed as it now stood, and if it continued to the clergy the exclusive rights to their pulpits after they had taken away the power of the ecclesiastical courts, before which clergymen could be cited for any omission of duty or preaching of false doctrine, they would be giving a license to any clergymen to hold his pulpit against all comers and to preach any doctrines he pleased, because there was no tribunal before which he could be arraigned. To give the Commissioners power in such cases to fasten the church doors would be to produce a dead-lock.

Mr. GLADSTONE said, that the sub-section provided for the case of a clergymen who had not commuted and who would not come to terms with the Church Body; and it was desirable that, under such circumstances, subject to his life interest, the Commissioners should have the power of making the final arrangements with regard to his church so that they might carry it over at once to the Church Body in due course.

Sir ROUNDELL PALMER said, he had lost the opportunity on Friday of moving two Amendments on this subject, to which some importance was attached, and which would meet the case to which the hon. Member for Carlow (Mr. Bruen) had directed their attention. He now begged to give notice that at a later stage of the Bill he would renew those Amendments.

Amendment, by leave, *withdrawn.*

Mr. ASSHETON CROSS moved, that in page 10, line 5, after "first," to insert the words "vacancy after the first day of January, one thousand eight hundred and seventy-one, or within six years after the said date, whichever may first happen." His object was to obtain more time than six months after the 1st of January, 1871, within which the Church Body should declare that they required a church for religious purposes, and were willing to maintain it in good repair, or desired it for the purpose of taking it down, and erecting another in its place. He had no doubt that the Church Body would, in the great majority of cases, be prepared at once to make such a declaration; but there were some scattered Church populations in the South of Ireland, with respect to which they would not, within so brief a period as the middle of 1871, be able to make up their minds upon the subject; and it was, he thought, only fair that they should be allowed some extension of time for that purpose.

MR. GLADSTONE said, that the Government would not be indisposed to make some slight modification of the period laid down in the clause; but the hon. Gentleman, by his Amendment, asked for a large and not a slight alteration of the term. He had to add that he had not before heard a single opponent of the Bill express a desire that the period of six months from the 1st of January, 1871, should be enlarged. He believed that an opinion generally prevailed that the sooner the new Church Body was required to act the more would their energies be called forth, the less likely would they be to fall into habits of procrastination, and the more successful would be their operations.

MR. CONOLLY said, he understood that the declaration in question was not to be required from the Church Body.

MR. GLADSTONE said, an application upon their parts would still be required, and this being so, it was necessary to define the time within which the application should be made.

MR. CONOLLY said, he could answer for the Church Body in his own person. He had no doubt that within any time that might be defined the Church Body would make an application for every church in the country. He would add that all the churches would be kept up.

MR. RAIKES said, he wished to know what would be the result if the Church Body did not come into existence within the specified time; or, if the clergymen of the Church refused to give their adhesion to the new body and remained "Christians unattached?" Did the Government propose to insert in the Bill any provision which would meet such a contingency?

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) said, the Government had no right to assume, and it would not be proper to assume, that the Church Body would not be formed by the 1st of January, 1871. The Bill was framed upon the assumption that the new Church Body would come into existence on that day; and, if that should not be the case, the matter would have to be further considered, and additional legislation would be required.

MR. ASSHETON CROSS said, he would be prepared to alter his Amendment by requiring the Church Body to make their application within twelve months of the 1st of January, 1871.

MR. GLADSTONE said, he did not like to accede to that proposal without being assured that it would be agreeable to the members of the Irish Church generally.

Amendment *negatived.*

MR. PIM moved, in lines 8 to 11, to omit the words—

"And are willing to maintain the same in good repair, or desire such church for the purpose of taking the same down, and erecting another church, or churches, in its place."

Amendment proposed, in page 10, line 15, to leave out from the word "Where," to the word "twelve," in line 32, inclusive.—(*Mr. Pim.*)

MR. GLADSTONE assented.

MR. W. H. GREGORY said, he hoped the decision of the Government was not irrevocable. He could conceive nothing more disgraceful than the existance of a number of dilapidated churches in Ireland to be pointed out as the effects of the Bill. It was in no respect unfair to require those who took the churches to undertake to repair them.

MR. CONOLLY said, he believed the keeping in repair would follow the taking as a matter of course, and he regarded the words proposed to be left out as positively insulting to the Protestant body.

MR. BENTINCK said, he would point out to the hon. Member for Galway (Mr. W. H. Gregory) that the words were redundant.

Mr. GLADSTONE said, it was as well the Committee should understand clearly what they were parting with by leaving out these words, to which he thought his hon. Friend (Mr. W. H. Gregory) attached too much importance. Of course it was conceivable that they might have said that no church should be handed over except on a guarantee being given by the Church Body, but the objections to that were overwhelming. Then, they might have imposed on the Commissioners the duty of satisfying themselves that the Church Body would maintain the churches if handed over, but for this duty the Commissioners would be ill-fitted. The Government had, therefore, proposed that the Church Body should simply make a declaration of its intention — first, that the buildings were wanted for Church purposes; and, secondly, that they would be kept in proper repair. The Government now proposed to give up this second point, because the maintenance of the church would follow as a matter of honour.

Words *struck out.*

Mr. GLADSTONE said, that with regard to the 3rd sub-section of this clause, which gave the Commissioners power to hand over money to the Church Body for the maintenance in repair of a certain number of churches not exceeding twelve, as national monuments on account of their antiquity or architectural value, it was a proposal made by the Government under the idea that it would be agreeable to the principle of equity, and would probably be recognized as such by those who were not members of the Established Church of Ireland, and that the Members of the Church itself would think it a valuable provision. He was sorry to say that they had been disappointed in both those respects. This provision had been objected to very much by those who did not belong to the Church of Ireland, and he was also concerned to say it had been objected to very considerably by persons of high authority within the precints of the Church of Ireland itself. The objection of those who did not belong to the Church of Ireland was, that it savoured of inequality to appropriate a portion of that fund to the maintenance of any of the churches that were to belong to a particular voluntary community, and some persons had said —"If the body now about to be disestablished cannot maintain those ancient and venerable churches for themselves let them hand them over to us and we will maintain them." That was the objection from their point of view. And from the Church point of view it had been objected that these churches were to be regarded as national monuments, and that if particular monies were to be appropriated for the purpose of maintaining these national monuments, they had the apprehension that that would be understood to entail rights of Parliamentary interference likely to impair more or less the independence of their religious community, the independent prospects of which its members appeared to him to value very highly—and he had no doubt, with reference to these proposals—very justly. In that state of circumstances, the Government did not feel disposed to be responsible for this provision. He should, therefore, propose to drop sub-section 3 out of the Bill.

Mr. GATHORNE HARDY confessed he was a little surprised, although not so much so as he should have been a few hours ago, at the proposal made by the Government. He took up at his club, before coming down to the House, a Roman Catholic newspaper, and by that newspaper he was informed that the Liberal—meaning no doubt the Roman Catholic Members of the House of Commons—intended to have this part of the Bill struck out. The Roman Catholic Members of that House were, no doubt, a very important body, and their voice had had a very important effect in reference to this Bill — this gracious and generous Bill — and even in the case of this provision, which was put forward as a concession, their wishes had been followed. He should himself have objected to this provision if the churches were to be treated under it as national monuments to be interfered with by the State; but he had understood that the arrangement upon which the provision was based had been come to upon these grounds—that there being certain grand erections in Ireland upon which the money of Protestants had been laid out, and it being, under the altered circumstances, difficult for the Church to maintain them, the proposal of the Government was that something should be given for the purpose of maintaining those buildings for a certain time. But it appeared that a section of that House objected even to this small modicum of liberality; and although large bodies in that House had asked, hitherto unsuccessfully, for something to be taken away from the severity of this Bill, the smaller Roman Catholic body had at once received a favourable answer to their demand. In the newspaper to which he had referred they told the House how they were about to dictate to it, and the Prime Minister now came down and obeyed their behests.

MR. CHICHESTER FORTESCUE said, he did not know to what newspaper the right hon. Gentleman alluded —[Mr. GATHORNE HARDY: The *Tablet.*]— but he could assure him from, perhaps, a greater knowledge of the Irish newspapers than it was the duty of the right hon. Gentleman to possess, that in the Protestant papers of Ireland, so far as he could discover, there had been just as little favour shown, and just as much objection made to that well-intended section of the clause as could be found in any Roman Catholic newspaper. It had been his duty to watch carefully the language of the Irish newspapers of all parties, and the language held at public meetings in Ireland—especially at the interesting assemblages which had lately taken place on the part of the Established Church—and he did not recollect seeing one word of adhesion, whether in leading articles, or in speeches, to this provision of the Bill, but many protests against it. One of those expressions of opinion to which he would allude was a very strong and able speech, delivered the other day by Dr. Alexander, the Bishop of Derry, who positively denounced that proposal in the strongest terms, because he said it was a proposal fatal to the future freedom and security of the Disestablished Church in Ireland with respect to these particular churches. If they were called national monuments, Dr. Alexander said, they had no security whatever for their future position; and Parliament might either impose special conditions upon the Church with regard to the use of the buildings, or might, at some future time, take them away again at its own will and pleasure. He did not attempt to disguise the fact that the Protestants of Ireland were not the only persons who were unfavourable to that clause. The Catholics felt that there was a certain anomaly in creating churches national monuments and at the same time vesting them not in any public and impartial body, but in one out of the many religious communities in Ireland. Taking all these circumstances into consideration, the Government believed that the proposal they had made was as little favoured on the one side in Ireland as upon the other, and they did not therefore feel it their duty to press it.

MR. VANCE said, he could assure the right hon. Gentleman at the head of the Government that the Protestants of Ireland would hear with equal surprise and indignation what the Government had so suddenly put before the House. Their proposal to omit that section of the clause was levelled against the cathedrals. Those cathedrals had been restored in many instances at the expense of private individuals, who certainly never anticipated that they would be forced to keep them up after re-building and restoring them. There was the case, for instance, of St. Patrick's Cathedral, both in Dublin and Armagh. The next clause of the Bill provided that if any individual erected a church he might have it if the Commissioners refused to take it. Sir Benjamin Guinness had laid out upwards of £100,000, not in the erection, but in the restoration of St. Patrick's Cathedral; the late Primate expended £27,000 in Armagh; therefore, in spite of the money they had spent, their representatives would not come within the provisions of that clause. They might therefore go to ruin; for whatever means the Protestants of Ireland might have with which to keep up their parish churches they certainly had no superfluous means that would enable them to keep up their cathedrals. He was sure that much stronger remonstrances would have been made against that measure, if it had been known that it was the intention of the Government to leave out this important provision of the Bill; and he hoped that upon a further reflection they would agree to restore it.

MR. DOWNING said, he rose as a Roman Catholic Member to protest against the rather unwarrantable attack made upon Members who were Roman Catholics by the right hon. Gentleman the Member for the University of Oxford (Mr. Gathorne Hardy). He represented a Catholic constituency of something like 400,000; but although four

Catholic Prelates in that constituency exercised a very large, and he might say a paramount, influence on the election of representatives for that county—["Hear, hear!"]—Yes, and in consequence he was here—he could assure the House that he had never received from any of those Prelates a single line directing his attention either to the principle of that Bill, or to any clause in it. Reference had been made over and over again on the other side of the House to the influence of the Roman Catholic Archbishop of Westminster over the Roman Catholic Members of the House, but those references were the reverse of well-founded. The Roman Catholic Archbishop of Dublin, Cardinal Cullen, had, to his knowledge, neither directly nor indirectly interfered with the progress of the Bill, and the Catholic Members had held no meetings on the subject from the moment the measure was introduced by the distinguished Gentleman at the head of the Government—to whom the people of Ireland owed so much—and to whom, on their behalf, he tendered his unmeasured thanks. Hon. Gentlemen opposite first complained that the Roman Catholic Members had not spoken upon this Bill, and now they complained of the part they suggested they had taken with regard to it. As the right hon. Gentleman at the head of the Government had stated on a former occasion, if all the Roman Catholic Members in that House walked out, the Bill would be carried without their votes. It would be carried by the members of the Church of England and the Dissenters in that House. For himself he could state that he had not read a single article in the *Tablet* since the Bill was brought in.

Sir THOMAS BATESON said, that the Protestants in the North of Ireland felt keenly on this question, and he must say that they had no confidence in the right hon. Gentleman at the head of the Government. They felt that the right hon. Gentleman had been in communication with the emissaries of Cardinal Cullen on the subject. They believed that the clause was so worded that a coach and six might be driven through it, and that, by means of the clause, the cathedrals might, at a future time, be transferred to the Roman Catholics. The Protestants of Ireland would be perfectly satisfied if the suggestion of the right hon. Gentleman (Mr. Gathorne Hardy) was adopted, and a sum of money was handed over, once for all, to the Church Body for the purpose in question.

Mr. W. H. GREGORY said, he was surprised that the right hon. Gentleman the Member for Oxford University (Mr. Gathorne Hardy) should have so strongly objected to the withdrawal of this sub-clause. Hon. Members seemed to fancy that that withdrawal had originated in some plot. The truth was that the sub-clause was regarded with anything but approbation by the Protestant Bishops and the Committees now engaged in considering the provisions of this measure. In the *Report of the Details of the Irish Church Bill*, published under the sanction of the Archbishops of Armagh and Dublin, he found it stated that the provision which the Government now proposed to remove seemed at variance with the policy of the measure, the object of which was to terminate as soon as possible the dealings between the Church and State. He had always looked on the section which the Government now proposed to withdraw, as the fly in the pot of ointment. The Bill first proceeded to disendow the Church, and then it went on to endow those cathedrals. That would cause ill-feeling and bitterness in Ireland. He believed there was not one of those cathedrals which had not been taken from the Roman Catholics and converted to Protestant uses.

Sir STAFFORD NORTHCOTE said, he thought that if there was one thing more than another in which hon. Members were bound to be fair, just, and candid, it was quotation. When a Member stood up to quote a document, which might or might not be seen by the other Members of the House, it was to be expected that his quotation would not be a garbled one. He was astonished at the manner in which his hon. Friend the Member for Galway (Mr. W H. Gregory) had misquoted the Report to which he had referred. His hon. Friend had omitted lines further on which gave another meaning to the passage from that which he had attached to it. The Report stated that the clause proposed to enable the Commissioners to grant a sum of money to maintain these twelve churches as national monuments. It then remarked that this provision seemed to be at variance with the policy of the measure, the object of which was to terminate as soon as possible all dealings between the Church and the State. It then suggested that an adequate sum for the maintenance of churches should be estimated and paid, or secured at once, to the Church Body, and that it should not be left to the Commissioners to select the churches to which that sum should be applied. That objection was in the spirit of the suggestion now made on his side of the House; but the hon. Member for Galway misrepresented the nature of the objection of the clergy, and the Prime Minister misrepresented the Irish Protestants, in stating that they were indifferent to a proposal for giving them means to maintain those churches. Of course they were indifferent to a proposal such as that made by the Government, because they thought it fell short of what ought to be done. But they were not indifferent to having their churches maintained. Gentlemen on his side of the House would be glad to hear from the Roman Catholic Members the views of their constituents expressed in the way the views of constituents should be expressed in Parliament; but it was no satisfaction to the House first to hear from the First Minister of the Crown that he was going to withdraw a section of a clause in deference to the feelings, as he understood, of the Irish Roman Catholic body, and then to learn from the hon. Member for Cork (Mr. Downing), who represented the largest constituency in Ireland, and a portion of the country in which there were four Roman Catholic Prelates, that he had received no communication from his constituents with reference to this provision. He thought this matter required explanation after the express statement of the right hon. Gentleman, in introducing the Bill, that it was intended to preserve those magnificent monuments—in which statement he made express reference to St. Patrick's Cathedral, which had been restored by a munificent benefactor. What was to become of such endowments as that of the gentleman who paid the expenses of that restoration? He would call the attention of the Committee to another part of the clause. The Committee had passed one sub-section, by which it was provided that, in case a representative body required a church for religious purposes and considered themselves able to keep it in repair, the church should be handed over to them, but not otherwise. What was to become of those churches which the body found themselves unable to maintain? They were to be handed over to the Commissioners, to be disposed of as might be thought proper—that was to say their value would be thrown into the surplus. That he believed to be extremely unfair. If the churches were handed over to the representative body of the Church *en bloc*, with liberty to pull down those they did not want, and apply the proceeds to the sustentation of those they did want, and if some aid were given in support of those whose size rendered it a difficult matter to derive the necessary funds from voluntary contributions, the proposal would be a tolerably equitable one; but what was now proposed was that the body should be compelled to find sufficient funds at once—at the moment of being turned from an endowed and established Church into a disendowed and free body, and that, too, instead of their being allowed—as they had hitherto had every reason to expect—a little breathing time to consider what they would be able to do in their new position!

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) said, he regretted that the withdrawal of this section should have been imputed to the result of Roman Catholic interference, the more so as an Amendment proposing its rejection had been placed on the Paper by his hon. Friend the Member for Dublin (Mr. Pim), who was certainly not a Roman Catholic, and who could not be accused of entering into any dark conspiracy with the members of that communion. The charge appeared to be founded to some extent upon the fact that objections to this section had been published in a Catholic newspaper; but he would ask if there was any clause in the Bill that had not been discussed and objected to in Protestant as well as Roman Catholic newspapers, both in England and Ireland. Sometimes they were wrong in the conclusions they drew and the objections they made, and sometimes they made a lucky hit. But the section really had not been rightly understood. It was never intended to create a fund for the maintenance of Church property in Ireland as Church property. It was meant that, as the Church in Ireland in its disendowed and disestablished state would not be in a position to provide for the care of those larger buildings, aid should—if they were worthy on account of their architectural beauty or their remarkable antiquity to be preserved as State monuments—be afforded for that purpose out of the funds of the State. But when the Protestants in Ireland read this sub-clause, they said that it was an invidious attempt to get at this property at some future time, and they rejected it. As the proposal was objected to by all parties, the Government thought it better to withdraw it; but to the statement that that withdrawal was due to interference on the part of the Roman Catholics, he gave a most unequivocal and distinct denial.

Mr. CONOLLY said, he believed the First Minister of the Crown could, perhaps, understand that a gift might be made unpalatable by the way in which it was offered. Within his own recollection, three out of twelve cathedrals had been richly endowed by private benefactors; and the Protestants of Ireland regarded it as monstrous that the Bill should propose that the management of these cathedrals should be taken out of the hands of the representatives of those persons and be handed over to a lay body. He thought that a sum ought to be secured to the Church Body for the maintenance of cathedrals out of the property now belonging to the Church. The Protestants of Ireland would accept that as a partial restitution, if not as an act of generosity.

Mr. Serjeant DOWSE said, he wished to tender his thanks to the First Minister of the Crown for assenting to the Amendment of the hon. Member for Dublin. It was a wise and gracious thing to leave the clause out of the Bill. He could assure the hon. Gentleman who had just sat down, and who had spoken as if the Protestants of Ireland were incorporated in his own proper person, that the withdrawal of this section met with the approbation of a large number both of Protestants and Roman Catholics in Ireland, whose opinions were entitled to weight. The effect of supporting those buildings as national monuments would be that the State would still keep up churches upon which, every 12th of July, an Orange flag would float to insult the feelings of the Catholics. A large number of Protestants in Ireland, who, although they were in a minority, ought not on that account to be thought the less of by the Opposition, were opposed to this clause. They did not wish to worship in national monuments, and they wished to see the principle of the Bill fully carried out, as it would be by omitting this section of the clause. The Presbyterians of Ireland were not satisfied with it; Professor Richard Smith said, at a public meeting in Derry, that it would be a festering relic of Protestant ascendancy, and a blot on this magnificent piece of statesmanship; and the clerk of the Ballymena Presbytery wrote to him that the maintenance by national money of any of these churches for one denomination would create an invidious inequality, and prove a continual source of annoyance. The Catholics in a body, the Presbyterians and other Nonconformists in a majority, and of the Episcopalians a respectable, intelligent, and tolerant minority, were opposed to this clause; and he, therefore, thanked the right hon. Gentleman for acceding to this Amendment. He had intended moving it if it had not been put upon the Paper by the hon. Member for Dublin (Mr. Pim); but, if the Government had not accepted it, he would not have divided the Committee, because he had confidence in his Chief. It was of little use for any party to have a Chief if they had not confidence in his sagacity and intelligence, and if they would not trust him in details as well as broad outlines; and he hoped that side of the House would never present the spectacle—which had been lately seen on the other side—of the tail of the party drawing the head of it into the Lobby against his convictions.

Sir LAWRENCE PALK said, he had listened to the speech of the hon. and learned Gentleman who had just sat down with much pleasure, for it was at least an honest speech. The unmitigated hatred of the hon. and learned Gentleman to the Protestant religion in Ireland was undisguised. He recognized in him a fair and open enemy, but what could they say of those who brought in a measure, as they conceived, to destroy the Irish Church while pretending to be her friends. The question was whether the most venerable and beautiful monuments of piety and generosity should be permitted to remain. ["Divide, divide!"] Hon. Gentlemen were so proud of their majority that they grudged even a few words to those opposed to them. This measure was so unjust and so disgraceful to Parliament that it might, perhaps, have been the best course to let it pass *sub silentio*. The Bill could not be amended, but in a spirit of patriotism they ought to leave the cathedrals. Hon. Gentlemen opposite were proceeding in a spirit of Vandalism to destroy the monuments of a religion that had been great and powerful, and he believed would yet be great and powerful in Ireland. There was one magnificent edifice in Ireland which had been reared by the piety and munificence of one of Ireland's richest citizens, and, if it had no other claim upon the Committee, that was sufficient. Many other churches in Ireland had been built by pious individuals; those churches could not be considered as any badge of conquest, and there could be no sentimental grievance in maintaining them.

Mr. PIM said he had not spoken to any Roman Catholic before he gave notice of the Amendment he had proposed, with the exception of one Gentleman who was a Member of this House, and that Gentleman said he wished the clause to be retained. He spoke to several Roman Catholics and Protestants in Dublin, after he had given notice of his Amendment, and he did not find one person, whether he was in favour of this Bill or not, who did not agree with him that this clause ought to be omitted. Under these circumstances he was very glad that the Government had acceded to his Amendment, which he believed would produce great satisfaction in Ireland.

Mr. CONOLLY said, it was difficult to account for the conduct of the hon. Gentleman the Member for Dublin (Mr. Pim) with regard to his Amendments. Some he had run away from, one he had absolutely voted against, and now, after putting the Amendment to omit that section upon the Paper, he desired to be considered a Protestant champion.

Question put, "That the words 'Where any Church in respect of which an application is made as aforesaid by the representative body of the said Church to the Commissioners' stand part of the Clause."

The Committee *divided*:—Ayes 132; Noes 232: Majority 100.

Mr. GATHORNE HARDY moved in page 10, lines 39 and 40, to leave out "within twenty-five years before the passing of this Act," and insert "since the year one thousand eight hundred." He thought the term of twenty-five years too short, and his Amendment provided a longer time.

Mr. GLADSTONE said, he had no objection to the proposal.

Amendment *agreed to*.

Mr. GATHORNE HARDY moved in page 11, line 9, after "order" to add—

> "The Commissioners shall ascertain and certify the annual sum which, on an average of ten years preceding the first day of January, one thousand eight hundred and sixty-nine, has been paid and expended by the Ecclesiastical Commissioners in church repairs, and in heating and lighting, and providing requisites for the decent performance of Divine Service in churches, other than repairs and requisites connected with the churches mentioned in the third head of the preceding section, and in the salaries of parish clerks and sextons, and shall pay and hand over to the said representative body, if and when formed and incorporated, a sum equal to fourteen times such annual sum, to be held and applied by such body for and in such purposes."

The greater portion of the sum spent on repairs had been from the income of the clergy, and practically therefore the Amendment dealt with private endowments. He did not insist that the sum should be exactly fourteen times the annual sum, but the principle at least ought to be recognized.

Mr. CHICHESTER FORTESCUE said that the Amendment was entirely inconsistent with the principle of the Bill. It would be no act of friendship to the Irish Church if the House by half-measures kept open sores of this description. The Government could not take that view of the question which had been suggested rather than explained or defended by the right hon. Gentleman opposite. They could not assent to the proposition that the payments now made by the Ecclesiastical Commissioners of Ireland for the different churches in that country were in the nature of private endowments, or anything approaching to the nature of a private endowment. On the contrary, it was quite evident that these sums were as much part of the public income and expenditure of the Church of Ireland as any other part of the income and expenditure, and it would be against the principle of the Bill to agree to the Amendment.

Lord JOHN MANNERS said, that it was not inconsistent with the "gracious and generous policy" formerly advocated by the right hon. Gentleman the President of the Board of Trade. Such provision was more necessary than before, and the demand for it was now irresistible.

Mr. CONOLLY said, that the Chief Secretary for Ireland ignored the fact that the Commissioners insisted that one-half or one-fourth of the sum required should be supplied from private sources before they gave any grant. The sums had been considered to be in the nature of absolute benefactions. He knew where that had been the case within a few miles of his residence. There was a large and populous town in a sea-bathing locality, but no church. The Commissioners were asked what they would do towards building one. The Commissioners asked the applicants what they would do, and they agreed to give one-half if they got the other half. The church cost £2,000, and the Ecclesiastical Commissioners contributed half that sum. He maintained that this contribution was in the nature of a benefaction.

Mr. SYNAN assured the hon. Gentleman that he was under a misconception with respect to the question before them. The hon. Gentleman was confounding two things, the Ecclesiastical Commissioners being obliged, under an Act of Parliament, to do what the hon. Gentleman had referred to.

Mr. GLADSTONE said, that when he saw the long list of Amendments which had been placed on the Paper by the right hon. Gentleman (Mr. Disraeli), he expected that some of them would be pressed, and that others, mere make-weights, would be thrown overboard when the proper time arrived. He certainly had hoped that the present Amendment was one which had been placed upon the Paper only with the intention of withdrawing it by way of grace. It was extravagant to suppose that they could grant fourteen years' purchase of the cost of providing surplices, door-mats, coal-scuttles, and other such articles of furniture. Were these things to be provided for during the next twenty years at the expense of a fund created under a Disestablishment Bill? This proposal respecting church necessaries was different from propositions relating to the education and sustentation of ministers. Above all things, the requisites for Divine worship must be provided by voluntary efforts. Until 1833, these matters had always been provided for by voluntary contributions, but by an unfortunate arrangement in the Act of 1833 the charge was thrown upon a fund of ecclesiastical property.

Mr. BERESFORD HOPE said, the right hon. Gentleman had ingeniously dwelt on the "also's" of the Amendment with his unworthy taunt about coal-scuttles, and so on, and had omitted to mention the most important item in the Amendment—church repairs, which was a very just demand. Funds had been subscribed in many cases at great self-denial, and offered in aid of contributions from the Ecclesiastical Commission, in the belief that the Church was secure from the revolution which now threatened it. He himself was a trustee under such an arrangement of a fund bequeathed by a very distinguished relative for the benefit of the Irish Church. The Amendment did not ask for these things to be provided for twenty years; it only asked for a certain sum which should be capitalized for the purposes referred to, and form a foundation on which to date the structure of private benevolence.

Mr. GLADSTONE said, he did not consider the sum a moderate one at all, for it amounted to nearly £500,000. The Bill had never contemplated forming a permanent endowment for any such purpose, and that was a conclusive reason against acceding to the Amendment.

Mr. WHALLEY said, he did not think the proposal of the right hon. Gentleman (Mr. Gathorne Hardy) was at all unreasonable, but he should vote with the First Minister of the Crown, in order that he might be able to deal freely with the proposition in the Bill to capitalize the grant for education at Maynooth.

Sir JOHN GRAY thought the estimate of the right hon. Gentleman at the head of Her Majesty's Government as to the capital sum required by the Mover of the Amendment exceedingly moderate. The Prime Minister estimated the sum capitalized at £500,000, and the hon. Member (Mr. G. Hardy) thought that calculation an exaggeration. As a matter of fact, the sum so mildly asked for by the clause amounted to more than £857,000. He would give the items which the hon. Gentlemen opposite were so anxious to learn. First, there was for church repairs £24,000; heating and lighting, £6,313 17*s.* 1*d.*; parish clerks, £14,513 17*s.* 10*d.*; sextons — who were to be amalgamated with the clerks according to the sage recommendation of the Commissioners — £9,668 5*s.* 9*d.*; organists, £1,410; organ-blowers, £139; communion requisites, £2,039, and church requisites, £3,040; making for "requisites," £37,258 a year; which, added to the £24,000 for church repairs, amounts to £61,258 yearly. Now, if this be multiplied by fourteen, the number of years' income named in the Amendment as the capitalized sum asked, would be found to amount to £857,000 in round numbers.

Mr. GATHORNE HARDY said, the right hon. Gentleman at the head of the Government had asserted that certain Amendments had been put forward with the intention of their being withdrawn. Although he denied the truth of that assertion, he felt bound, after the House had refused to provide for the maintenance of churches of the highest character, to refrain from pressing the present Amendment. He could not, however, allow the matter to pass without protesting against the injustice of taking away the money for the purposes referred to.

Sir GEORGE JENKINSON said, that, had he been aware of the intention of the Government to withdraw the 3rd sub-section of the clause, which, in his opinion, was about the only specimen of that liberality and generosity of which they had heard so much, but saw so little in the enactments of this Bill, he should certainly not have withdrawn the Amendments which stood in his name at an earlier hour of the evening.

Amendment, by leave, *withdrawn.*

Clause, as amended, *agreed to.*

Clause 26 (Enactments with respect to burial grounds).

Colonel GREVILLE-NUGENT said, he rose to propose Amendments which would have the effect of vesting the control of all graveyards in the Poor Law Guardians of each union. By the earlier provisions of the Bill the whole property of the Church was to be vested in the Commissioners to be appointed under it; and the first part of the present clause proposed that the Commissioners should hand over the graveyards adjacent to the churches to the representative body of the Church, in all those cases in which the churches themselves had been so handed over, while, according to the second part, in all other cases the graveyards were to come under the provisions of the Burial Act (Ireland), 1866, and the statutory amendments thereof for the time being. If the burial grounds adjacent to the churches were exclusively used for the interment of Protestants, he should not have objected to the proposal; but it was clear that the vast majority of those buried in those graveyards were Roman Catholics. The Church having been disestablished and disendowed because it was not the national Church, he was of opinion that the churchyards, as being national burying grounds, should not be given up entirely to the Church Body. To hand them over to the Protestant Episcopal Church would be to maintain that ascendancy which was inconsistent with the principles of the Bill. In some parishes the proportion of Protestants to Roman Catholics was as 9 to 500, and in others there were 3 Protestant families to 300 Roman Catholic families. In his part of the country the Roman Catholics were about 90 per cent of the population. He therefore thought that no Protestant could object to the placing of graveyards under the control of the Boards of Guardians, who were empowered to form themselves into burial boards; which boards were essentially unsectarian, but the members of them were chiefly Protestants. He spoke as an Englishman and Protestant who, having property in Ireland, had lived there for twenty years, and was thoroughly convinced of the injustice of the present system of burials. He could mention cases to show that very disgraceful scenes occurred under the existing state of things. Bloodshed was frequently caused. Some two or three years ago, a sergeant of Militia was taken ill in the town of Mullingar, and was attended by the Protestant clergyman. He, however, in the course of his illness, changed his religion, and having had the spiritual services of a Roman Catholic priest, died a Roman Catholic. When the adjutant of the regiment, accompanied by the priest, went to the graveyard to bury the man, they found before them the vicar in full canonicals ready to read the burial service. The priest very prudently retired, otherwise—inasmuch as a large mob was assembled—bloodshed would probably have ensued. The vicar had been told by a dignitary of his Church that the graveyard was his property, and that he must insist upon his rights, and thus came about a proceeding which would not for a single moment be tolerated in this country. Another case to which he would refer was that of a Presbyterian woman who died at Belfast, who wished to be buried in the same grave as some of her ancestors. She was conveyed to the graveyard in a coffin, borne on the shoulders of her relatives; but they found the gateway tied with a cord, and the rector of the parish standing inside. Admission being refused them they cut the cord, and, as they entered the gateway, one of those present happened to push against the rector. The coffin was subsequently lowered into the grave, but soon after the rector stepped forward, and having stated that he had sent for the police, expressed a hope that the law would allow him to have the corpse disinterred. Was it fit, he should ask, that such scenes should be permitted to continue? He thought the Committee would be of opinion that it was not. The Belfast Presbyterian Association had already protested emphatically against continuing the maintenance and control of graveyards as at present. He hoped, therefore, that the Government would assent to his proposal, and thus make the Bill more consistent with its own principle of securing complete religious equality. The hon. Member concluded by moving, in page 11, line 16, to leave out "enactments," and insert "enactment."

Sir FREDERICK W. HEYGATE said, one or two statements had been made by the hon. and gallant Gentleman (Colonel Greville-Nugent) which stood in need of correction. For his own part, he by no means shared those dislikes and bitter antipathies which, in some parts of Ireland, not only extended to individuals during their lifetime, but even followed them to the grave. In every country there had been numerous instances in which individuals exercised their legal rights without discretion. Still those rights were conferred by laws; and this was an answer to such cases as had been adduced by the hon. and gallant Gentleman. He wished, however, to remind the House that these things were not done on one side only. In the North of Ireland members of other religious denominations had done acts of a similar kind which were very objectionable. For example, there was a parish in the county which he represented (Londonderry) where a majority of the inhabitants were Protestants. To this parish came a body of individuals calling themselves Redemptorist Fathers, who for three weeks, in defiance of all law, took possession of the churchyard, which was the freehold of the rector. Here they erected booths and stalls for the sale of relics, and before their departure they erected on the ruin, which had formerly been the parish church, a large cross, that remained there to the present day. The case was referred to him, and he had some small influence in regard to the decision that was arrived at. He told the rector that, although he had a perfect right to interfere, and although his own parish was chiefly Protestant, yet the wisest course under all the circumstances was to look at the matter in a spirit of Christian charity, and to remember that, however offensive that cross might be to his parishioners, it would do them no actual harm; and accordingly it remained there to that day. Generally speaking, the Roman Catholics had no desire to be buried among the Protestants, and the Protestants disliked being buried among the Roman Catholics. He knew a churchyard where, for about 100 years, it had been customary for Protestants only to be buried; there was in the same parish another churchyard, where it was customary for the Roman Catholics to be buried; and he understood that the best feeling prevailed in the parish. But under this clause, if one churchyard were not to be maintained, the other would be thrown open to all religious denominations. He asked how a Presbyterian congregation would like to have the burial service performed in their chapels according to the rites of the Roman Catholic Church, which they abhorred?

Mr. POLLARD-URQUHART said, that the cases cited by the hon. Baronet the Member for Londonderry (Sir Frederick Heygate) were by no means isolated or exceptional. A case occurred, thirteen years ago, in the diocese of Dublin, in which a clergyman of the Established Church refused to allow a Dissenting minister to perform the burial service over a deceased member of his congregation on consecrated ground, thus compelling him to perform it on the roadside, to the great indignation and distress of the mourners. The spirit of bigotry in these matters, which they all lamented, was not yet extinct; and it would be well to take effectual precautions against its manifestation in future.

MR. CHARLEY said, that the discussion had opened the whole question of burying grounds, but that clause dealt only with graveyards attached to churches. He thought the present proposal showed singular meanness. It was not enough that they were to be robbed of their endowments, but they must be deprived of their graveyards. He respected the conscientious convictions of all men, but he could not approve of professing Protestants doing the work of the Roman Catholic Church. The Presbyterian Association which had been quoted by an hon. and gallant Gentleman opposite (Colonel Greville-Nugent) had no claim to represent the Irish Presbyterians generally, being an association composed of supporters of the junior Member for Belfast (Mr. M'Clure), and styled "the Liberal Presbyterian Association." The fanaticism of its members might be judged from the fact that one of them, Mr. David Ross, a barrister, objected to the compensation of life interests, because the Roman Catholics abroad would be dissatisfied! He was acquainted with the parish referred to by the hon. and gallant Member for Longford, having been himself born in the adjoining parish. He knew that its rector, the Rev. Mr. Stewart, was really a man of God; and, although he deplored his refusal of admission to a Presbyterian minister to his graveyard to perform the burial service there, yet he could state that the refusal was not dictated by bigotry, but simply by over-conscientiousness, and by a desire to protect the legal rights of his freehold. The law formerly required the consent of the rector to be obtained in all such cases. His own family had buried for 150 years in one of these graveyards, and he should object to have the graves of his ancestors secularized.

MR. KIRK said, he thought the argument of the hon. Gentleman who spoke last went to prove the very opposite conclusion to that which it was intended to support. It was a hardship that it should be in the power of a rector to refuse access to a burial-ground. Dr. Knox, of Belfast, about eighteen months ago, was obliged to read the Burial Service over a deceased person on the road, and not in the graveyard at all. Many Presbyterians had rights of sepulture in these Church graveyards, and were desirous of retaining them. He was happy to say that he himself knew of an instance in which a truly Christian spirit was manifested by a rector living in his neighbourhood, who, upon an application being made to him by a Presbyterian clergyman for permission to officiate at a funeral within a churchyard, not only yielded to the request, but placed at the disposal of the Dissenting minister the church attached to the ground, as the day happened to be wet. But the right of refusal on the part of the rector ought not to exist.

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) said, that some misapprehension evidently existed as to how the law stood in regard to burials in Ireland. At this moment no Protestant rector in that country, under the penalty of being guilty of misdemeanour, could prevent any parishioner of any other religion from being buried in a Church graveyard, provided that twenty-four hours' notice of the intended burial were given, and that such burial did not interrupt Divine service in the church to which the graveyard was attached. The case that the hon. Member for Longford (Colonel Greville-Nugent) had brought forward could not therefore have occurred under the present law. And not merely was there the right of burial, but also the right of having the burial service of the religious communion to which the deceased person belonged performed at the grave. Any rector who stood before the gate to prevent such interment, whether with his canonical dress or without it, incurred, under the Act of 1868, the penalty of misdemeanour, and it would be the duty of the Attorney General of the day to prosecute him. One such case occurring in a Roman Catholic district in the South of Ireland might be attended with the very gravest consequences. He thought that in cases where there was a wall surrounding the graveyard, and the graveyard was not separated from the church, to do what the hon. and gallant Gentleman (Colonel Greville-Nugent) proposed would give rise to angry feeling. The

Amendment of the hon. Member for Dundalk (Mr. Callan) might, however, be satisfactorily adopted, and then no churchyard which was separated from the church itself by a highway would be vested in the representative body. It should be borne in mind that this clause as it stood would not only protect the rights of burial, as they existed under the present law, but also such rights as might afterwards be declared to exist by Act of Parliament.

Colonel GREVILLE-NUGENT said, that the Amendment of the hon. Member for Dundalk (Mr. Callan) would not remove his objection. They proposed to establish religious equality by this Bill, and at the same time they would by this clause make it necessary for those who formed the vast majority of the population to give twenty-four hours' notice to the rector of the small minority before they could bury their dead. Was that religious equality? These graveyards were national graveyards, and ought not, therefore, to be handed over to the possession of the Disestablished Church. Then there was no provision for the due maintenance of graveyards? Why not hand them over to the Boards of Guardians, who would have power to build good, substantial fences round them, and to keep them in proper order? He would, however, leave the matter to be dealt with as the Government thought best.

Dr. BALL said, he could not understand how it was there was any objection to either of the sub-clauses of Clause 26. The law had been accurately explained by the Attorney General for Ireland. Persons of every denomination in Ireland had the right of interment in those grounds, with the ceremony of his particular denomination. Surely no one ought to contend that they ought to give the graveyard to one owner and the church to another. He had no objection to some of the suggestions made from the other side, but order, propriety, and decency recommended that they should give the ground around the church to him to whom they gave the church.

Mr. M'MAHON said, it was common in Ireland for persons dying in one parish to be buried in a distant parish. He wished to know if the friends of persons who died could claim the right to have them buried in another parish. He apprehended not. If they disendowed the clergyman of everything else, why not disendow him of the churchyard also? The churchyard was supposed to be the freehold of the clergyman; if they deprived him of every other freehold, why not of that?

The Attorney General for Ireland

Mr. SHERLOCK said, he did not see that the objections of the hon. and gallant Member for Longford (Colonel Greville-Nugent) had been removed. The hon. and gallant Member's proposal was not to vest them in another sectarian body, but in one wholly unsectarian, in order to prevent those unseemly ebullitions of feeling which sometimes occurred. Graveyards ought to be common ground on which all religious differences ought to cease.

Mr. GLADSTONE said, the alteration in the law, effected by the Bill of 1868, would absolutely preclude the possibility of the recurrence of an unwise or unwarrantable use of discretionary power, because the right of the parishioner would be absolute; but that everybody who lived in any county should have the right to be buried in any burial ground was a rule which, upon grounds entirely apart from this discussion, it would be most absurd to establish, because it would lead to confusion, and local rights of burial must be confined to persons having immediate local connection. As regarded parishioners, the veto of the clergyman was gone; the Presbyterian clergyman could no longer be required to stand outside the burial ground in the road to perform the burial service. He did not deny there was something in the alleged infringement of religious equality; but he put that against the practical question which had to be considered on the other side. Where a church was entirely surrounded by the burial ground it was impossible to separate the two, and that consideration appeared to have much greater weight than the theoretical infringement of the abstract principle of religious equality. The facts could not be got rid of, and it must be seen that they were not attended with practical grievance, while there would be a grievance to the Church authorities if they had not command of the site in the case, for instance, of their requiring to re-build or enlarge the church. He did not know to what extent there was any reason to apprehend that burial grounds would be allowed to go to wreck and ruin; but it would not be an unfair thing to carry to the Church representative body the obligation to keep in repair which now rested upon the rector. While he did not deny that the case presented certain remnants of difficulty, he did not think they were to be compared in point of magnitude with the difficulty of tearing asunder the church and the churchyard.

Mr. LIDDELL said, he trusted the House would agree to the clause, which was one of the few he could regard with any sort of favour. This was a subject of very grave importance. He supposed that the same funds out of which the churches would have to be repaired would be called upon to keep the burial grounds in order, but he confessed he was not so sanguine as some hon. Members appeared to be that a sufficient revenue for both could be obtained. It was but a mere act of decency that the burial ground adjacent to the church should be made to go with it.

Mr. W. VERNER asked how it was proposed to deal with those churchyards that had been closed by Order in Council of the Lord Lieutenant?

The ATTORNEY GENERAL for IRELAND (Mr. Sullivan) said, they would be vested in the Boards of Guardians.

Mr. G. H. MOORE said, that, in many parts of Ireland, it was not usual to bury the dead in the parish in which the family resided, but in contiguous or sometimes in distant churchyards. They were buried with their ancestors, irrespective of parishes. That right must still be secured to the people of Ireland, or they would not feel satisfied.

The ATTORNEY GENERAL for IRELAND (Mr. Sullivan) said, that by the clause the rights of family vaults would be preserved.

Mr. CONOLLY said, that the hon. and gallant Member opposite (Colonel Greville-Nugent) had dug up graves for the purpose of finding a grievance. The hon. and gallant Member had rather congratulated himself on being an Englishman, but in thus getting up a cause of quarrel he had gone far to prove that he must be an Irishman. He hoped the Government would not accept the Amendment. He was glad to find that they were willing to lend an ear to the Church of Ireland in her fallen fortunes, and that they would not permit the precincts of the sanctuary of the dead to be made the scene of unseemly squabbles. But he must say that, so far from funerals in Ireland being accompanied by riots, the reverse was the case. Protestants, generally speaking, were happy to join with Roman Catholics in paying the last rites to deceased Catholics, and Catholics were equally ready to attend the funerals of Protestants.

Mr. Serjeant DOWSE said, that the Presbyterian Association of Belfast was of opinion that the clause would leave the graveyards under the complete control of the clergymen of the Protestant Episcopalian Church, and thus lead to unseemly contests. He thought, however, that this opinion had arisen from a misunderstanding as to the state of the law. It might perhaps be well to insert qualifying words, such as "or in respect of" after "rights of" and before "burials," which would leave the matter entirely under the control of Parliament, and if, at any future time, any necessity arose, the rights of all parties could be effectually protected by legislation on the subject—legislation which would be beyond the scope and objects of the present Bill.

Mr. CHARLEY said, that sometimes one-half of the graveyard was on one side of the public highway and the other half the other side. He thought that the distinction of "public highway" was rather an arbitrary one. He trusted that the Government would adhere to the clause as it at present stood.

Mr. M'LAREN said, that if the suggestion of the hon. Member for Mayo (Mr. G. H. Moore) were adopted or not, the churchyards in Ireland would be open to all the inhabitants of the parish, as were the churchyards of Scotland. In Scotland, even though the church stood in the middle of the graveyard, the graveyard no more belonged to the parish church or to the people of the Established Church than it belonged to the Dissenters, or Roman Catholics, or Episcopalians. The area of the graveyard was free to all the inhabitants of the parish. If a person had a right to a private burial ground his relatives ordered the sexton to prepare a grave, and the minister was not consulted about it. In the case of a poor man, in which there was no right to a private burial ground, the relatives of the deceased desired the sexton to bury him. He never heard of any dispute or any difficulty, and he did not believe there would be any dispute or any difficulty if the Scotch rule were extended to the Disestablished Church of Ireland.

COLONEL GREVILLE-NUGENT said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) said, that he considered the Amendment proposed by the hon. and learned Member for Londonderry was an improvement.

Amendment *agreed to.*

MR. LOCKE KING said, he wished to call attention to cases where land was granted for cemetery purposes by private individuals, whose wishes should be carried out. There was an Irish landlord celebrated for liberality, who gave a good piece of land to Catholics and Protestants for cemeteries; and cemeteries given to the Protestants should be kept for that purpose. It was provided by the clause that where any church vested in the representative body of the Church has a burial ground annexed, or adjacent thereto, such burial ground shall be included with the church. He proposed, for the purpose of meeting the case to which he had called attention, in page 11, line 20, after "thereto," to insert—"or that has been granted to, or exclusively used by, the parishioners attending said church."

MR. CONOLLY said, he thought it an ungracious thing to qualify the grant by the addition of such miserable words as those moved by the hon. Member for East Surrey.

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) said, he would agree to the Amendment on the condition that the words "by a private donor" should be inserted after the word "granted."

Amendment, as amended, *agreed to.*

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) moved to insert in the clause the words "not separated therefrom by any public highway."

MR. VANCE asked whether these words would have a prospective operation; if a highway were made through a churchyard hereafter, would the portion separated from the church by the highway cease to belong to the Church Body?

MR. CONOLLY opposed the introduction of the words.

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) said, it was in the last degree unlikely that a public highway would be made through one of those churchyards hereafter; but if one should be made the churchyard on both sides would belong to the Church Body.

Amendment *agreed to.*

Further Amendments made.

On Question, "That the Clause, as amended, stand part of the Bill,"

MR. AGAR-ELLIS said, he doubted whether the Boards of Guardians would pay sufficient attention to the burial grounds, which were to be placed under their charge, and whether, owing to the divided authority which the Bill proposed to give to the Boards of Guardians and to the Board of Works, these two bodies would not occasionally be at loggerheads. He trusted that Her Majesty's Government would adopt some means of protecting the monuments in the burial grounds from being defaced or destroyed.

MR. GLADSTONE said, he ventured to think that the Bill would effect a great improvement in this direction, inasmuch as it would for the first time intrust to a public authority the duty of considering whether these ancient remains, when not suitable for restoration for public worship, should be maintained as national monuments. It would become the duty of the Board of Works to maintain the buildings when the Commissioners had conveyed them over. He did not see what more should be done.

MR. CONOLLY said, he thought the national monuments had been got rid of altogether some time ago.

MR. CHICHESTER FORTESCUE said, that the national monuments referred to were not churches, but ruins of an interesting character.

LORD CLAUD HAMILTON said, he wished to know whether the charge of maintenance would fall upon the poor rate or the county cess.

MR. CHICHESTER FORTESCUE said, the expenses would be paid by the Commissioners of Public Works in Ireland, who would be supplied with a small sum for that purpose out of the funds in the hands of the Church Commissioners.

Mr. CONOLLY said, he should be glad of a single instance of a national monument.

Mr. DAWSON suggested that a Schedule of such monuments should be appended to the Bill.

Mr. CHICHESTER FORTESCUE said, it was impossible to name the whole of the ruins; this duty would be much better discharged by the Commissioners. One of them would be the seven churches of Glendalough.

Mr. DISRAELI said, he feared that the result of this legislation would be largely to increase the number of ecclesiastical ruins, and recomended that the Act should be sufficiently broad in its character to admit them all.

Clause, as amended, *agreed to.*

Clause 27 (Enactments with respect to ecclesiastical residences).

Mr. DISRAELI said, the Amendment he proposed to move upon this clause was founded upon the representations made by the President of the Board of Trade and the First Minister of the Crown—namely, that the glebe houses should be given to the present incumbents. He could not believe that when they made that statement, they intended that the glebe houses should be given up on condition that the Church Body paid for the land on which they were built. That would, indeed, be keeping the promise to the ear and breaking it to the hope. He could not but believe that, after due reflection, they would carry this measure, if it were to be carried, in the spirit of justice and conciliation. Not only the incumbents, but the whole country, had been under the impression that one of the clauses of this Bill would secure the glebe houses to the incumbents and their successors, and he was sure the Government would feel upon reflection that his Amendment effecting that object was wise, just, and politic. He moved, in page 12, line 14, after "therein," to leave out to the end of clause.

Mr. CHICHESTER FORTESCUE said, the Committee would perceive that the proposition of the right hon. Gentleman (Mr. Disraeli) amounted to this, that they should not only hand over the glebe houses to the Church Body, as the Government proposed to do, without asking payment for those houses, but that the Commissioners should, in the first instance, pay a very large sum of money to private persons who had a claim for building charges against them, and then hand them over to the Church Body without requiring payment on account of those building charges. There were certain charges existing on the glebe and see houses of Ireland, charged not upon the houses only, but upon the profits of the benefices, which the House was about to put an end to, and which it was therefore absolutely necessary, as a matter of equity, that the Commissioners representing the State should undertake to pay to the individual incumbents and dignitaries who had private property in those building charges. The State, through its Commissioners, would pay down sums of money amounting to something like £250,000 before they could get into possession of the glebe and see houses, with a view to make them over to the Church body. All the Government asked was, that when the Church Body chose to apply for any of these houses, and he did not expect they would apply for them all, they would make a certain reimbursement to the Commissioners for the outlay he had referred to. Where there were no building charges the Church Body would have to pay nothing for the houses; where there was a building charge which was less than ten times the Poor Law valuation, the Church Body would pay only that building charge; and where the building charge exceeded ten times the Poor Law valuation of the house the Church Body would pay only a sum amounting to ten times the valuation. It was quite evident that the number of glebe houses was considerably beyond what the Church in its future condition would require. Many of them would be a burden to the Church, especially the see houses—palaces such as those of which they had heard the other night that one had cost for an additional storey, £14,000. Where the Church Body found expensive edifices, it would be their policy to refrain from applying to the Commissioners; but in cases where they felt it advisable to apply they would be called on to make such moderate reimbursements as he had described. The effect would be that, supposing the Church Body were to apply, as they certainly would not, for all the ecclesiastical residences, they would have to pay to the Commissioners a sum amounting to one-half, or not one-half, he believed, of the total building charges on them; and if they did not apply for the whole, the amount would be considerably less. Moreover, he would remind the Committee that it was intended to provide the Church Body, in common with other denominations, with facilities of no little value for making these arrangements; it would be in the power of the Church Body to make the reimbursements with the aid of loans under the Bill which he had announced on the part of the Government. It appeared to the Government that their proposition was a moderate one, and they confidently recommended it to the Committee.

Sir STAFFORD NORTHCOTE said, that one important little sentence slipped from the right hon. Gentleman, to the effect that the building charges were not only laid on the houses, but also on the benefices. A good deal turned on that fact, because the benefices were to be assigned to the Commissioners. There were cases in which houses had been built, and where land had been acquired far beyond the value of the houses themselves, money having been borrowed for the purpose on the security of the tithes of the parish. As the tithes were now to be assigned to the Commissioners, it would seem but reasonable that the charge laid on the tithes should be borne by them. He would state a case in illustration of this view. A few years ago in a small parish in the South of Ireland there was no glebe or parsonage house. The patron or principal landed proprietor and the clergyman combined to build a house, the landed proprietor contributing a sum of £150 and the clergyman £100. The sum of £450 was also borrowed on the security of the tithes. The clergyman had likewise, since the purchase, improved the glebe, which was now worth more than when it was first acquired. The Government now proposed to hand over the tithes, on the security of which the money was borrowed, to the Commissioners, and they told those who expended money in purchasing the glebe, building the house, and improving the property, that they might have the land and house if they chose to pay the charges on the house. That appeared an unreasonable and not a fair way of dealing with persons in their position. The Church would be placed in a trying position during the transition from the state of an endowed to that of a voluntary Church. It was all very well to say that the voluntary spirit would in time provide the funds wanted. That might be the case; but for a considerable period these charges would exceed the sum acquired from voluntary contributions, and as a matter of grace and policy it would be well to facilitate the transition from one state to another.

Sir ROUNDELL PALMER confessed that he had not until that moment given up the hope that the Government would be disposed to re-consider this part of the Bill. Certainly more liberal intentions in this respect were entertained and expressed last year than those which were realized in this Bill; and the reasons that were given did not seem to him to be adequate for the ungracious and sudden departure from the declarations, if not promises, formerly made. He should have thought that, as the charges lay as a whole upon the profits of the benefices, there was nothing unreasonable in this—that the Government in taking the benefices should take them *cum onere;* and if reasons of equity and fairness—he might almost say compassion—led the Government to give up the parsonage houses, they should give them up in a reasonably beneficial way, and not burdened with this heavy liability. He should have thought so, the rather because he found in the case of Maynooth, that by the 40th clause, it was proposed to release that College from the payment of any sum that was remaining due from the trustees to the Commissioners of Public Works, in respect of advances made by the Commissioners upon the security of the funds payable to the trustees. This was proposed for the fair, just, and obvious reason that they had led those interested in the College to reckon upon the perpetuity of the Parliamentary grant, and so to incur a liability which they would not otherwise have incurred. Now, did not the case hold equally with respect to the glebe houses of the Protestant clergy. He must observe, in reply to the statement of the Chief Secretary for Ireland, who said that these see houses and the other houses might be actually burdensome, and not likely to be chosen by the Church Body, that the question was whether or not they would be burdensome independent of the charges. He, therefore, pressed on the Government that it would be more generous if they took the ecclesiastical property, to take it with this comparatively trifling burden. There was another point, and as it was a small matter, he was the more surprised at the niggardly spirit displayed. The Church Body was to pay for the site of the building, estimated as land, and for the garden and curtilage, which in a common-sense point of view ought to be regarded as part of the house. The fact was that every ecclesiastical residence in Ireland had been paid for by way of deduction from the income of the living, which income had up to the present time been considered the private property of the holder of the living. Where persons had been encouraged to lay out money in erecting buildings upon land, it was only common equity that they should be left in possession of the site, as well as of the building which was on it. He submitted to the Government that it would be no infringement of the principle of the Bill if they amended this portion of the measure.

Mr. GLADSTONE: Sir, my hon. and learned Friend (Sir Roundell Palmer) differs materially from the Government upon the principle of this Bill, it naturally follows that we can attach less than usual authority to his declaration or judgment upon the question what Amendments are, or are not, consistent with that principle. For a judgment upon what is consistent with the principle of the Bill, my hon. and learned Friend will naturally admit that we must look first to those who are friendly to the principle. There are two points upon which I must make a qualification to the statements of my hon. and learned Friend before I endeavour to present the case more generally to the House. I cannot think that there is any parallel whatever between this case and the case of the building charge upon Maynooth. I am sorry to say that the building charge upon Maynooth represents what amounts substantially to the broken faith of Parliament. That is a hard word to use, and I do not mean to say that the Members of Parliament would ever have taken the course they did take with regard to the repairs of Maynooth had they viewed the matter in that light; but there is no doubt that the charge for the repair of the Maynooth buildings are a part of the arrangement made by Sir Robert Peel in 1845, and that they were intended to follow upon the general body of the arrangement as a necessary consequence. It was never dreamt that, after Parliament had determined that the principal charge should fall upon the Consolidated Fund, there would be any question about the annual repairs. For my part, I know not how to defend, or justify, or apologize for that misconduct, by which we declined to meet the debt of honour which was incumbent upon us for the repairs of the new buildings, taking into view the nature of the settlement of 1845. We all know perfectly well the reason why the Maynooth building repairs were not placed on the Consolidated Fund; it was because the repairs could not be made the subject of a fixed estimate beforehand. On that account they were left to be met by an annual Vote, but with the fullest belief that they would be voted, as a matter of course, as a grant consequential upon the principal grant settled by the great controversy of 1845. Therefore my hon. and learned Friend will not be surprised if I see no analogy whatever between that debt and the debt we have now to deal with. My hon. and learned Friend says, in the second place, that these glebe houses have been raised entirely out of the ecclesiastical revenues. Now, that is not the case, because a very large sum—of which my hon. and learned Friend does not seem to be aware—has been contributed towards them out of the taxation of the country. Much more than we shall ever get for them from the Church has been actually paid for them in the present century out of the taxes of the country.

Mr. WALPOLE: Will the right hon. Gentleman explain how that could be?

Mr. GLADSTONE: A very large sum has been paid out of the taxation of the country for glebe-houses. ["How?"] In the way in which other sums are paid out of the taxes of the country. If the hon. Member for Coleraine (Sir Hervey Bruce), who seems to doubt my statement, will move for a Return on the subject, he can have it, and he will then see how—[Dr. Ball: By loans?]—yes, and by grants also. The sum has been paid, I believe, through the Board of First Fruits, but there can be no doubt whatever about the fact. Therefore, the statement of my hon. and learned Friend on this point is defective. Then we are challenged upon a statement of mine, last year, in which I expressed an opinion to the effect that when we came to the settlement of this question, the ecclesiastical residences would in all likelihood be given along with the churches to the Disestablished Church. Now, there are two modes of looking at this subject. I always contended that the arrangements connected with the close of the existence of the Establishment should be conducted upon principles of great liberality, and that they should also be conducted on the principle of strict religious equality; and therefore, before we attempt to determine off-hand how far we could safely go in gifts to the Disestablished Church, we must, in some degree, endeavour to ascertain how far it is wise or desirable to go in gifts to other religious bodies. There is no doubt that you might, in perfect consistency with what I stated last year, have gone further in the matter of the glebes of the Disestablished Church, provided you had thought it desirable, as a matter of public policy, to do the like for other religious bodies in Ireland. I think, however, the general conviction of the House is that it is not desirable, and consequently I cannot consent to attach the largest and most unrestrained sense to the declaration which I made last year, even if it had been what it never was, that is to say, a promise and an engagement, instead of a mere expression of opinion. But, taking it as it was, I say that we are substantially fulfilling it. We are practically in this condition—that in order to get these glebe houses into our possession we must pay £250,000, and, in my opinion, the Commissioners would stand quite as well in their account if we simply gave the glebe houses over with their sites to the Church and did not pay the building charges as they will under the provisions of the Bill. But then you say the building charge is not laid upon the glebe house but upon the benefice. What has that to do with the matter? Why was it laid upon the benefice? As a matter of convenience; because that was the most convenient mode of securing the money. But it was laid on for the purpose of making and maintaining the glebe houses and, therefore, although technically and in point of law it was laid upon the whole benefice, it is substantially a charge upon the house. Well, then, we have got this charge of £250,000, to say nothing of the sum which was paid out of the taxes of the country in respect of these glebe houses. The Government have made a provision in the Bill by which we shall recover a portion, and only a portion, of that charge. I think it would be a liberal estimate to suppose that we shall recover one-half of it, and if the sites of the glebe houses bring us the other half it is as much as they will produce—it is more than we expect. Therefore, what is substantially proposed is, as nearly as we can, to square the account in respect to these glebe houses and the curtilages connected with them. We may be losers, we shall not, I think, be gainers, but substantially the property in these glebe houses, which we know to have cost £1,200,000, will be handed over to the Church Body without the Church fund profiting to the extent of one farthing by it. I think that is a substantial fulfilment of the pledge we gave last year, if it were a pledge, which I deny. It was impossible for anyone, like my hon. Friend the President of the Board of Trade, or like myself, being then in Opposition, without the necessary information as to the particulars of this case, and not knowing what charges attached to the benefices in respect of these glebe houses to give an unconditional and unqualified opinion on the subject. But I submit that the Government are acting with generosity, because, I believe, that we are now in substance giving the glebe houses. We shall not get one farthing by them, and shall scarcely reimburse ourselves the money we must pay in order to come into possession of them. If we are pressed to go further than this we must ask ourselves again upon what principle this Bill is really founded. Are we to fulfil the engagements we have never ceased to give—that in our arrangements we were to bear strictly in view the principle of religious equality, and that we were to take care that the arrangements made for the closing of this great question should not themselves be a new consecration of religious inequality? In my opinion, we have gone to the very furthest point to which we can go, in giving to one body without being justly liable to be called on to give in consequence to another body. The glebe houses are of enormous value to the Church; it so happens that they are of small value in comparison in the market, but we shall not obtain one farthing for those glebe houses more than, nay, I believe we shall not obtain so much as, we shall have to pay for them.

DR. BALL said, he thought that when the Committee clearly understood the way in which the clause would operate they would think it was not an unfair demand to ask that the Church should have the glebe houses without paying for them. What was the position of a glebe house on which there was no building charge? Why, the incumbents had paid out of the savings of their incomes for the building and repairing of the house, the creation of gardens and offices; and was it fair that the members of the Church should pay over again that which had already been paid out of her funds? In the second case "where there is a building charge" they were to pay such one of two sums thereinafter mentioned as might be the smallest—either the value of the tenement with the curtilage and gardens estimated at ten years' purchase, or the amount of the building charge. Now, on this he had to remark that unless the house was quite new it would scarcely be worth ten years' purchase, and a great many of the houses in question were not new. He admitted that in the case of houses that had no charge the amount to be paid was not large, but to make such charges was a miserably petty mode of legislation. As to the case of the houses with charges on them there was no generosity at all. They charged these houses at the very outside value. He was of opinion that a large number of these houses were not marketable. He knew that the see house of Killaloe was at this moment used as a poor-house because no private person could be found to rent or buy it. But the Government said that they did not intend to be generous. Such might be their present views, but such were not the declarations which had been made last year by Members of the Government, especially the declaration which had been made by the right hon. Gentleman the President of the Board of Trade, which appeared in the collected edition of his speeches published within a few months in a most finished and elaborate shape, and in which, when pointing out that changes like the present should be accompanied by munificence, he illustrated his meaning by stating that not only the churches but the glebe houses ought to be given to the Protestant community. A policy of generosity was, he maintained, more worthy of the Government and of the House than to weigh out and measure everything to the extremest degree. The case of the glebe houses, too, was one in which such a policy might be exercised with peculiar propriety, because, like the churches, they had been created by the Protestants of Ireland, many of whom, particularly in the North of Ireland, would, he felt satisfied, feel greatly grieved, indeed indignant, if they saw the residences which were occupied by their clergy taken from them. He doubted, he might add, very much whether the members of any other religious persuasion would object to the Church keeping those houses. He, for one, had seen no signs that such was the case. The proposal had been introduced into the Bill to support the general principle on which it was framed, in accordance with which it was provided that everything was to be sold and bought, and that the Church was to receive nothing. The right hon. Gentleman said he would get back £90,000, or about half the amount of £198,000 laid out on the houses, for the price of the sites; but that which would be of little importance to the Government to give to the Church would be a very large sum to be subscribed at the moment of the transition when the new system must be organized, and when the means must be found by private contributions for maintaining public worship. He would press the right hon. Gentleman earnestly on this subject which was one on which there was more feeling than on almost any other. He hoped the right hon. Gentleman would see fit to re-consider the question.

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) said, it had been candidly admitted that the object of the Amendment was to hand over the glebe houses to the Church Body without their paying anything for them. It appeared to him and to the Government that it was impossible to do that, regard being had to the principle of the Bill. He agreed that the Roman Catholics and the Presbyterians would not grudge the Church Body possession of the glebe houses, if they themselves got an equivalent, but the glebe houses—less the life interests in them—were the property of the State; and as long as that property was given to the Church so long would the evils of an Establishment remain, and the question with which this Bill dealt would be but half-settled. He insisted, however, that where there were no building charges the Government were giving the houses substantially for nothing. The hon. and learned Gentleman said that these houses were of small value; but though this might be in some instances, yet in the North of Ireland they were of great value, and in the North-west of Ireland they were often the substantial mansions of the country. In giving these houses for nothing, then, he said the Government did act with generosity—as much generosity, he meant, as was consistent with the principle on which the Bill was founded. ["Hear, hear!"] He said that advisedly, for the principle was the principle of religious equality. £151,000 had been obtained from the State towards the building of those glebe houses, and if that money were paid back the Church Body might have the houses. The incumbents were bound by law to spend a certain portion of their incomes in the maintenance of the buildings. It was now only asked that they should pay for the glebe houses either ten years' purchase upon the general tenement valuation or the building charge, which ever was the less. That proposition was fair and just. What, he would ask, could be a greater mark of ascendancy than those buildings scattered throughout the country, and contrasting with the humbler residences of the clergy of other persuasions? The Church Body would not be asked to pay for the glebe houses all at once, because the life interests in them would be respected.

Mr. BRODRICK said, he thought the last speaker had wholly failed to prove that the Government were about to deal with the Church fairly in this matter of glebe houses and glebes. Three-fourths, at least, of the glebe houses in Ireland had been built since the Act of Union, and as to the glebes themselves, five-sixths of them had been granted since the Reformation. Some of them had been granted out of private endowments, and others, as Dr. Maziere Brady had shown, out of the confiscated abbey lands, and hardly any portion of them, except the abbey lands, had ever been in the possession of the Roman Catholic Church. Nearly all the glebe houses had been built either at the expense of the incumbents, or with money borrowed from the Ecclesiastical Commissioners. They were built by the then incumbents on the faith of one of the most solemn engagements, and of a most indefeasible title. They were built on the faith of the Act of Union, which guaranteed that the Church of England and the Church of Ireland should be one and indivisible, and which also guaranteed to the Church of Ireland the possession of her property and her income. Prior to 1834 there was, no doubt, a grant from the Imperial Exchequer, but he should be able to show that it bore a very small proportion to the total cost of the fabrics. He would take two instances in support of this statement, his figures being derived from a work written by his rev. friend, Dr. Maziere Brady. The first was that of a living worth £700 per annum in the gross, and which, probably, produced a net income of between £500 and £600. Since the year 1721 there had been £3,540 spent on the glebe house, of which some £2,000 was contributed from the private monies of the original builder; £92 from public sources; and the remainder borrowed from the Ecclesiastical Commission since 1834. Surrounding the glebe house was a glebe of some ten acres, which was valuable solely in consequence of the residence and the improvements effected by the various incumbents of the parish. Now, was the course now proposed to be taken just or fair to the successors of those godly men, who thought they were doing the Church a service when they spent their money on an inheritance which could not descend to their own families? He would next take the case of a smaller living in the west of the county of Cork. Its value was trifling, but happily there lived in the parish a Protestant layman, well known to many Members of that House, through whose exertions there was purchased for the Church five acres of land. A glebe-house was constructed at the cost of £650, of which £150 was contributed by the gentleman himself, £100 from the private funds of the clergyman, and £400 was borrowed from the Ecclesiastical Commissioners. Since the land was purchased its value had risen from 7*s.* to 27*s.* an acre. In all probability that gentleman would be obliged to buy, at its improved value, that very land which he was instrumental, five or six years ago, in buying for the Church on the faith of its belonging to the Church for ever. Surely it was sufficient to mention those two cases in order to stamp this clause with the character of injury and injustice. The Prime Minister was quite correct in saying that the glebe houses and glebe lands would be of comparatively little value in the market. Indeed, he believed, in some parts of the country they would be a perfect drug. If they were to be sold at the market value they would fetch a lower price than they would under this Bill, with the building charges upon them. The Attorney General for Ireland (Mr. Sullivan) had stated that in the North-west of Ireland the glebe houses were substantial family mansions. Now, what was the demand for such mansions in that part of Ireland; and, if they were brought into the market, how many purchasers could be found? The fact was, that the bargain was a bad one for the Church—almost everything had been taken from her. The incumbents had been induced, on the faith of Acts of Parliament, to lay out money on property which could not become their own, and yet their successors were to be deprived of it by a Bill which, two short years ago, no human being could have imagined would pass through the Parliament of Great Britain. He was, of course, bound to believe the statement on the part of the right hon. Gentleman that he had been misunderstood on this point, although it was a practical exemplification of the truth of Talleyrand's saying, that words were intended not to express thoughts, but to conceal them. If all these projects had been openly avowed—and he did not say they had been intentionally concealed—before the General Election, the Bill which South Lancashire was unable to swallow would, in his conviction, have proved too nauseous and too unbearable even for the seasoned palate of Greenwich.

Mr. P. WYKEHAM-MARTIN said, he had voted in every division but two, and always in favour of the Government; but he would appeal to his right hon. Friend at the head of the Government to have a little mercy on some of his faithful supporters. During the contest in November he addressed many meetings in support of the Bill; and he had frequently stated what he then believed to be the truth — namely, that where there was no building charge the glebe houses would be given to the new Church Body without payment. He was quite aware, however, that he could not commit his right hon. Friend to any particular course of action. At the same time he wanted the House to judge whether he had given those pledges without some reason. The book that he held in his hand was his canvassing book, in which he had taken the precaution to note down, before he gave any pledge, what he thought were the views of certain persons of great influence in the House. Now, an eminent Gentleman said this—

> "If I am asked to give my advice—and if I am not asked I shall give it—I should propose that where there are congregations in Ireland—I am speaking now, of course, of the present Established Church—who will undertake to keep in repair the churches in which they have been accustomed to worship, and the parsonage houses in which their ministers have lived, Parliament should leave them in possession of the churches and the parsonage houses; and I believe I speak the sentiment of every Catholic Member on this side of the House, and, probably, of every intelligent Catholic in Ireland, not only of the laity, but of the hierarchy and priesthood, when I say that they would regard such a course as that on the part of Parliament as just, under the circumstances in which we are placed."

Now, if he had uttered those words himself, in addressing his constituents, they would have been worthy of no notice whatever; but, as they were the words of his right hon. Friend the President of the Board of Trade, he must say he was justified in relying upon them. They were, he knew, only an expression of opinion, and his right hon. Friend was free to change that opinion to-morrow; but, unfortunately, they had developed into something like pledges on the part of his unfortunate followers. He might not have said what he had done, if he had been the only Member of the House who was in that position; although he should, of course, in any case, do what was right to clear his own honour: but he knew, from private conversation he had had with them, that there were other Gentlemen on that side who were in the same situation as he was in that matter. He, therefore, now asked the Government to strike out these words from the clause — ["No, no!"] — Well, they could over-ride him if they liked, but he only asked, as a steady supporter of the Government, who felt his own honour to be committed, whether they would not strike out the words relating to the site which insisted on the payment of a sum of money. The question was a perfectly trumpery one in point of money, but it was a question of honour as regarded himself and other Members. He would remind his Catholic Friends that he had always supported the Maynooth Grant while he had sat in that House, and that he had always said in his hustings' speeches—believing that in doing so he was only expressing his concurrence with his right hon. Friend and the Government—that Maynooth ought to be dealt with on the same terms of liberality as the Established Church, and neither better nor worse.

Sir HERVEY BRUCE: I should not have risen to take part in this debate had it not been for the observations of the right hon. Gentleman at the head of the Government, which were more than usually disingenuous, even for him—["Order!"]

The CHAIRMAN: I think the hon. Baronet has made use of an expression not consistent with the ordinary usages of debate.

Sir HERVEY BRUCE: No one would regret more than I should do if I have used any words inconsistent with the usages of Parliament, or with the dignity of the First Minister of the Crown; but, really, I do not exactly know what words to make use of to express my meaning. The First Minister of the Crown had previously made use of words nearly the same as those of the President of the Board of Trade which have just been quoted. Yet he now comes down to this House and tells us, in the language of withering sarcasm, that he considers we have no claims, in justice, to demand the fulfilment of these pledges, and that none of them need be kept, because they were not pledges, but merely expressions of opinion, and that opinions coming from any hon. or right hon. Gentleman in Opposition are not to bind him when he has accepted Office. I also rise because of the more than usually discourteous way in which the right hon. Gentleman alluded twice to me in the course of this debate. I think that came with an ill grace from him, because there is no Member of the House who so often discourteously expresses his dissent when any hon. Gentleman on this side says anything of which he does not approve. Now, on this occasion, the right hon. Gentleman made an assertion, and when he was asked to corroborate and vindicate it, he merely said that at some future time, if we asked for a particular Return, it would show that he was right. I myself, with many other hon. Gentlemen on this side, merely said "No, no!" I do not think there was anything very discourteous in that course. But the right hon. Gentleman singled me out—why, I do not know, for I was not more loud than anybody else or more demonstrative in my "No, noes!" The second time the right hon. Gentleman alluded to me I was sitting perfectly still—I was not even moving in my place, I made no expression either of assent or dissent, and why the right hon. Gentleman should have made so uncourteous a personal allusion to me I cannot say. I believe, however, that the real cause of his annoyance came, not from us, but from himself. He was unsaying all the promises that he made, and that he had made, not two years ago, when he was looked upon as the champion of the Church, but so late as last year, when he was pledged to destroy it. I do not think that I did anything to call for the strictures of the right hon. Gentleman, which must always be unpleasant to a private Member of the House—["Question!"]. If hon. Gentlemen will not hear me I shall move the adjournment of the debate. I repeat that I can quite understand the cause of the right hon. Gentleman's annoyance. He came down without giving any notice to the House, and—on the plea that some of the right rev. Prelates had expressed disapprobation with regard to the 3rd section of the 25th clause—proposed that we should abandon that section, which embodied one of the few bits of kindness shown by the right hon. Gentleman to the Church. I can fancy that the thoughts and feelings of the right hon. Gentleman under the circumstances are not very agreeable.

Sir GEORGE JENKINSON attempted to address the Committee; but, being met with continued interruption, the hon. Baronet moved that the Chairman report Progress.

Mr. GLADSTONE said, he hoped they would go on with this debate. This was a matter of interest. It had been debated for some time, and he would make a contribution to the debate by answering an appeal that he was not able to answer before. He could now give pretty exact particulars, he thought, with respect to the Parliamentary Grants for these glebe houses, which appeared to be a matter of novelty and surprise to some Gentlemen on the other side of the House. What appeared was this—the source of information was the Report with the evidence and documents of the Commissioners who inquired into the ecclesiastical revenues and patronage in Ireland between the years 1832 and 1837 — the sum of money given for glebe houses through the Board of First Fruits, independently of much larger grants for churches amounting to nearly £500,000, was £152,000. Besides the sum of money so given there was a sum lent, free of interest, of £250,000; and the computed amount of the gift involved in the abandonment of interest was between £80,000 and £90,000; so that very nearly £250,000 had been actually given by Parliament for these glebe houses, independently of this £250,000 that they would have to pay to get into possession of them, and a very small part of which would be recouped under the provisions of the clause.

In answer to Mr. Gathorne Hardy,

Mr. GLADSTONE said, he had quoted from the Report of the Commissioners with respect to ecclesiastical revenues and patronage from 1832 to 1837. They commenced their inquiries before the Church Temporalities Act of 1833. Nothing had been granted on account of glebes since the passing of that Act.

Mr. NEWDEGATE said, the right hon. Gentleman had taken that opportunity of confirming, somewhat irregularly, a statement which he made in his speech with regard to the fact that years ago there were some grants towards the building of glebe houses. He would take that opportunity of saying that, according to his recollection, the right hon. Gentleman's statement with reference to the College of Maynooth was not supported by fact. When the Act of 1845 was passed a sum of £30,000 was granted by Parliament for the purpose of repairing the College of Maynooth. It was given on the distinct understanding, stated by Sir Robert Peel, that the annual Vote should cease. These were the precise words of Sir Robert Peel, and the reason he gave was that the annual grants led to contests in that House. What were the circumstances connected with that £30,000? The money was spent in enlargement, not in repairs. The first two witnesses to that fact were Sir Francis Head, who went to visit the College, and the Rev. Garrett Wilson. Their statement was examined by the Commissioners, and it was then found that this £30,000, which was intended by Parliament for repairs, was expended for enlarging the College beyond the requirements stated by Sir Robert Peel in his speech. The repairs were not made, and a subsequent sum of £20,000, which was raised by permission of Parliament upon the buildings and lands of Maynooth, was intended to replace the default thus created by the authorities of the College. When the right hon. Gentleman put in comparison those advances made to Maynooth with the advances that were made years ago —previously to 1830—towards the glebe houses, it was only right to inform the Committee of the different circumstances under which those public monies were voted.

Mr. BRUEN said, he thought that gross injustice would be perpetrated under this clause. He wished to call attention to an occurrence that had taken place in a parish with which he was acquainted. In that parish there had been no glebe land or glebe house till five years ago. A friend of his gave in perpetuity several acres of land for the purpose of a glebe, on which a glebe house was built at very considerable expense. Now, under the clause, the Church Body must either pay the amount of the building charge or pay for the site, and that he considered would be a great hardship.

Mr. GLADSTONE said, he hoped the hon. Baronet (Sir George Jenkinson) would consent to continue his remarks. There was no idea on the part of the Government of pressing the whole clause through Committee that night. The division they were about to take would not involve the point raised by his hon. Friend the Member for Rochester (Mr. P. Wykeham-Martin), but only this question—whether in this case anything should be paid at all. What the Government contended was that in every case they could not forego payment. The point as to what should be paid could be considered between now and Thursday.

Mr. BROMLEY-DAVENPORT said, his hon. Friend beside him (Sir George Jenkinson) had not received much encouragement to go on, and, on that account, he would be perfectly justified in adhering to his intention.

Mr. DISRAELI said, though he was anxious the Committee should have fair opportunity for discussing all important points, yet he believed there was a *bonâ fide* feeling in the House that they should advance Public Business. He must say, however, after the declaration which the right hon. Gentleman had just made, that he had himself made a case for reporting Progress, and they had better take time to consider what was really before the Committee.

Mr. GLADSTONE said, that what he had stated was that the point raised by his hon. Friend the Member for Rochester (Mr. P. Wykeham-Martin), which was payment for sites, was a very small one, and it might be considered by Thursday, but the point now before the Committee was whether any payments at all should be made.

Mr. GATHORNE HARDY said, he understood the right hon. Gentleman (Mr. Gladstone) before, that the question as to what payments should be made would be considered between this and Thursday. ["No, no!"] They on that side of the House heard quite as well as hon. Gentlemen opposite. He did not see very much difference between the two things. The question which had been argued that night was the question of payment. But in this clause the only payments absolutely necessary were the payments for sites, because the privilege offered to those who took the glebes was payment for sites or for the building charges, and that was the very point the hon. Gentleman opposite had raised. He must say he thought there was every reason for reporting Progress.

House *resumed.*

Committee report Progress; to sit again upon *Thursday.*

CONSOLIDATED FUND (£17,100,000) BILL.—SECOND READING.

Order for Second Reading read.

Mr. HUNT said, he would take the opportunity of asking when the House would have a further opportunity of considering the Financial Scheme?

Mr. Gladstone

Mr. AYRTON said, that must depend upon the progress made with the Irish Church Bill before Whitsuntitde.

Bill read a second time, and *committed* for *To-morrow.*

House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Tuesday, 27*th April,* 1869.

MINUTES.]—Public Bills—*First Reading—* Court of Common Pleas (County Palatine of Lancaster)* (79); Newspapers, &c.* (80).

Second Reading—Life Peerages (49); Representative Peers for Scotland and Ireland (50); Militia * (76).

Select Committee — Representative Peers for Scotland and Ireland, *appointed.*

Committee—Report—Norfolk Island Bishopric * (73).

LIFE PEERAGES BILL.—(No. 49). (*The Earl Russell.*)

SECOND READING.

Order of the Day for the Second Reading, read.

Moved, "That the Bill be now read 2ª."—(*The Earl Russell.*)

The Earl of DERBY: My Lords, having made no remarks on the introduction of this Bill, and having paid considerable attention to the subject for a number of years, I am desirous of stating how far I am able to concur in the principle of the measure, and how far I am obliged to dissent from its main provisions. The noble Earl (Earl Russell), in introducing the Bill, stated very correctly the great difference which exists between this question and that which engaged your Lordships' attention in 1856. The question then was whether there existed in the Crown the Prerogative of creating, without the sanction of the House, an indefinite number of life peerages, conferring the right of sitting and voting in Parliament. It was raised as a matter of principle, and not as a question affecting an individual, for the occasion taken was to raise to the peerage, for the purpose of strengthening the appellate jurisdiction of the House, an eminent lawyer who was well qualified for a seat in this House and to assist in our appellate jurisdiction; and it was ingenuously admitted by Lord Chancellor Cranworth that, Lord Wensleydale being at that time far advanced in life, and with no reasonable probability of leaving a male heir, it was a fair and fitting opportunity for trying the question of principle. The question then raised was—has the Crown, by the mere exercise of its Prerogative, the power of creating an indefinite number of Peers for life, entitled to sit and vote in Parliament? My most learned Friend the late Lord Lyndhurst brought forward a Resolution in opposition to that assertion of Prerogative on the part of the Crown, in a speech which, for the knowledge it displayed of Parliamentary, legal, and constitutional history, would have been remarkable in the mouth of any man, and which was the more remarkable on account of his very advanced age. He was followed by my noble Friend the present Secretary for the Colonies (Earl Granville), who then held the Office of President of the Council; but I must be allowed to say that if the noble Earl was *impar congressus Achilli*, he undoubtedly displayed an ability in the manner in which he argued the case fully justifying the courage he had shown in presenting himself in opposition to so formidable an antagonist as Lord Lyndhurst. The discussion was conducted with great ability and learning on both sides; and, by a very considerable majority, your Lordships decided to refer the whole case to a Committee of Privileges, which should search for precedents and report their opinion to the House. That Committee sat for a considerable time, investigated various historical documents, and finally came to a conclusion adverse to the Prerogative of the Crown in respect of the power of granting life peerages, carrying with them the right to sit and vote in Parliament. Lord Lyndhurst accordingly moved a Resolution affirming—

> "That neither the said Letters Patent, nor the said Letters Patent with the usual Writ of Summons issued in pursuance thereof, can entitle the Grantee therein named to sit and vote in Parliament."—[See 3 *Hansard*, cxl. 1170.]

To this the noble Earl on the cross-Benches (Earl Grey) moved an Amendment declaring that—

> "The House of Lords would not be justified in assuming the Illegality of the Patent creating the Right Hon. Sir James Parke Baron Wensleydale for Life, and in refusing upon that Assumption to permit him to take his seat as a Peer."—[*Ibid.*, 1179.]

It was not denied that 400 years ago, when the Crown possessed the Prerogative of giving representatives to certain boroughs in one Parliament and depriving them of that representation in another, some letters patent for life peerages had been issued; but even in those days only one or two instances could be found in which such letters patent had been granted to persons who had not previously been entitled to sit and vote in Parliament under another title. It was not denied, too, that the Crown had a perfect right to confer on any person the dignity of a Peer or Peeress of the United Kingdom; but the question was, whether in conferring that dignity the Crown was enabled to confer likewise the right of sitting and voting in Parliament. On a division Lord Lyndhurst's Resolution was carried by 92 to 57, the majority being 35. I should mention that the noble Earl (Earl Grey) had given notice of his intention, in case his Amendment was carried, of moving Resolutions which were of great importance, and in the spirit of which, had the Amendment been adopted, I should have entirely concurred. Those Resolutions admitted, in the first place, that no precedent had been found within the last 400 years for the admission of a commoner to this House by the grant of a peerage for life, and they proceeded to affirm that the Crown ought not to be advised, without the consent of Parliament, to exercise the Prerogative. While declining, under the particular circumstances, to express disapproval of the conduct of the Ministry in granting to Lord Wensleydale a life peerage, the third Resolution went on to say,—

> "That the Grant of Peerages for Life might in some Cases be of Advantage both to the House of Lords and to the Public; but that the Practice of granting such Peerages would be peculiarly liable to Abuse unless guarded by some precautionary Regulations."—[*Ibid.*, 1180.]

And the fourth Resolution was—

> "That it will require further and mature Consideration to determine what Step it will be proper for the House to adopt in order to prevent the Patent granted to Lord Wensleydale from being drawn into a Precedent in favour of creating Peerages for Life, and in order to establish adequate Securities against Abuse if such Creations are hereafter to take place."—[*Ibid.*]

After the passing of Lord Lyndhurst's Resolution the Crown admitted the correctness of the view taken by your Lordships in a practical form, inasmuch as a new patent was granted to Lord Wensleydale, conferring a peerage in the usual terms on him and the heirs male of his body. Now, the noble Earl (Earl Russell) has admitted, both by his speech and the Preamble to his Bill, the principle then laid down; so that we start from this position—that the Crown has not the power of creating peerages for life, carrying with them the right to sit and vote in Parliament; and that, if in certain cases the creation of life peerages ought to be sanctioned by the House, it would properly be as an addition to, and not as a restriction on, the existing Prerogative of the Crown, and would require to be limited by the strictest possible conditions. Starting from that position, we shall have little difficulty in considering the main provisions of the Bill. I may, however, first mention, in order to complete the narrative of the proceedings of 1856, that, shortly after the adoption of the Resolution, I proposed the appointment of a Committee to inquire into the whole question of the appellate jurisdiction of the House, and that your Lordships, being pleased to accede to that Motion, the subject was carefully considered;—the result being that, in order to carry out the avowed object of Lord Wensleydale's peerage, the Committee recommended the creation of not more than four life peerages, to be held by men possessed of legal qualifications, and fit to discharge the duties of the appellate jurisdiction. A Bill embodying that recommendation was introduced by Lord Chancellor Cranworth, and passed through this House without any material alteration. Being sent down to the House of Commons, it was accepted by the Government of the day, of which Lord Palmerston was the head, and was officially supported by the then Attorney General (Sir Alexander Cockburn), who now holds a very high position, and whose opinion is entitled to the greatest respect. I must say, however, that, while nominally supporting the measure, his speech was rather one damning it with faint praise, for it certainly threw a considerable quantity of cold water on the scheme. It was supported by the Government, and was assented to by those who represented the Opposition, and passed the second reading. It was then, however, proposed that it should be referred to a Select Committee, and that proposal was supported by very high authorities, including my right hon. Friend the present Speaker of the House of Commons, the present Secretary of State for War, the present Prime Minister, and Sir James Graham. The result was that on the 10th of July the Bill was referred to a Select Committee; and I need hardly say what the effect and indeed the avowed object of that Amendment was—the Bill was never heard of again. The measure, I may remark, was opposed in the House of Commons for the most contradictory reasons. It was opposed, on the one hand, because it confirmed and secured to this House that which some persons wished to take away, its appellate jurisdiction; and, on the other hand, there was much opposition to it because it proposed that the legal life Peers should sit and decide questions during adjournments, and notwithstanding prorogations, without even an ostensible reference to the House at large. Another objection, too, was that it would be derogatory to the position of Members of this House to accept a salary for services rendered *qua* Members. Well, as I have said, the Bill was referred to a Select Committee, and was never heard of again. From that time the question of life peerages has remained in abeyance until it has been revived by the proposal now before the House. The noble Earl (Earl Russell) goes much farther in his principles, and still more in his details, than the proposition of 1856. He sets out by saying—and I do not dispute it—that there may be cases in which the Crown would be desirous of conferring a peerage on a person whose services and talents entitled him to the honour, but whose private means did not permit of his entailing on his family the burden of an hereditary peerage. That is, no doubt, a possible case, and I admit that your Lordships may properly consider the propriety of meeting it by sanctioning the creation of life peerages; but I beg that you will not come to a conclusion either way without bearing in mind certain considerations. In the first place, you are proposing to give an addition to the Prerogative of the Crown, and in these days an addition to the Prerogative of the Crown means an addition to the power of the Minister of the day, and an addition to the power of the Minister, who depends for his position upon the votes of the House of Commons, means an addition to the power of the House of Commons. Now, I am not jealous of the privileges and powers of that House over the other branches of the Constitution; but your Lordships should consider how far you would be justified, at this moment and in the present state of the Constitution, in investing the House of Commons with any greater influence than they now possess over the constitution and action of this House. I need go into no argument to show that the influence of the Crown has greatly decreased, and that the balance of the Constitution between Crown, Lords, and Commons is in more danger than is often anticipated of being disturbed by the preponderance of one of these three powers. You have to consider, therefore, whether you will of your own motion and accord intrust practically the House of Commons with a larger power than they already possess of influencing the constitution of the House. I am very far from denying the great advantage we derive from the frequency with which persons who are heirs to hereditary peerages obtain seats in the House of Commons—they thereby gain a political training and education, and become imbued with the spirit and conditions of the House of Commons, so that when, in the course of nature, they succeed to seats in this House, they bring with them those feelings and conditions to modify the exclusive feeling which possibly might otherwise exist in this House. It is an advantage, indeed, to both Houses; for it is an advantage to the House of Commons to have among its Members men who, after an education and training within its walls, will succeed to this House, and will thereby exercise an influence here in favour of popular rights and privileges. Nor do I at all disparage the very great advantage which your Lordships derive from the creation of Peers taken from other classes. An infusion of fresh blood into this House is one of the mainstays of our Constitution, for it gives strength and influence to the House, and tends to maintain that balance which, according to the noble Earl (Earl Russell), and to everyone who knows the value of our Constitution, ought to a certain extent to be maintained between the different Estates of the realm. But let me impress upon your Lordships that you are about to increase the power of the Crown, and, through it, of the Ministry and the House of Commons, and to establish a peerage the like of which has never existed from the foundation of the Constitution. The noble Earl, speaking of the number of life peerages, instanced the cases of the Scotch and Irish peerages and also of the right rev. Bench. Now, I altogether deny that in the sense contemplated by the Bill those can be regarded as life peerages. I read, with some astonishment, an article in a journal which professes to guide public opinion—and which certainly is a very observant follower of public opinion—arguing that, in point of fact, every peerage, whether hereditary or not, is virtually a succession of life peerages, granted once for all to the several descendants. Now it does not require the wisdom of *The Times* to know that not one of your Lordships can enjoy his peerage for a longer term than his own life; but to attempt to draw any analogy between life peerages and those descending to the heirs of those on whom they were originally conferred, is an argument, I must say, with all due respect, worthy of those valuable institutions to which a large portion of the property of the Church in Ireland is proposed to be transferred. The case of the Scotch and Irish peerages, or of the right rev. Bench, is not at all analogous to the principle sought to be introduced by this Bill. As to the Scotch and Irish peerages, it is quite true that the individual holds his seat either for life or for the duration of the Parliament; but he holds it as the representative of a permanent succession of a body of men whose numbers the Crown has no power of increasing or diminishing—at all events without the sanction of Parliament. Is that, in the slightest degree, analogous to a proposal which gives to the Crown the power of creating at its pleasure a number of Peers, limited if you please, but without any succession, without any right of keeping up that title except by another creation on the part of the Crown? The case of the right rev. Bench is not quite so strong a case, because they owe their seats in this House to the favour of the Crown, which has the right of appointing their successors. The office of a Bishop, however, is an hereditary one, and the offices are held in right of baronies, the Crown being unable to take away from or add to those baronies. I dare say noble Lords opposite wish the Crown had the same influence over the Scotch and Irish Peers as over the right rev. Bench; but the position of the latter is very different from that proposed by the Bill. And, while on this subject, I wish to call the attention of the noble Earl the Secretary for the Colonies to a passage in the admirable speech which he delivered in 1856. He then said—

> "I remember that some quarter-of-a-century ago a foolish and absurd cry was raised in the country for the removal of the Lords Spiritual from this House. I am satisfied that at the present moment no such feeling exists; and I believe it would be considered both in this House and by the country to be a serious blow if the number of the Lords Spiritual were to be diminished even by one."—[3 *Hansard*, cxl. 280.]

I hope the noble Earl adheres, and will adhere during the present Session, to the principle he then laid down—that it would be a serious misfortune if the number of Spiritual Peers were to be diminished even by one.

I now come to consider the provisions of the Bill; and having in view the vast change which will be made in the constitution of this House—in its principle, I mean, if not in its composition—it is not unreasonable to express a hope that you will confine these peerages strictly within the limits of proved or probable necessity. The noble Earl (Earl Russell) proposes to limit the number to twenty-eight, and that not more than four should be created in any one year. Now, it seems to me that that number is far in excess of the necessities of the case. I do not know whether the noble Marquess (the Marquess of Salisbury) is present; but I regret to say I cannot concur in the view he expressed—namely, that one great object ought to be to produce greater harmony of feeling and uniformity than may under present circumstances exist between the two Houses. If I could concur in that, it is clear—as I think he admitted—that the Bill ought to go much further than it does, for it would practically do nothing to produce such uniformity. It will no doubt give an additional power to the Minister for the time being of introducing a certain number of persons into this House who will vote for him, without incurring the risk of unnecessarily increasing the permanent number of the House; that number, however, being in seven years

permanently increased by twenty-eight. The noble Earl urged that the influence of any particular Minister in creating these Peers would be thus limited; but he himself was in Office five or six years, and Lord Palmerston for about the same period. The present Minister, moreover, has succeeded to the position by a majority of 100 or 120, and I see no sort of reason why, unless he commits some strange blunder—which, of course, he may do—he should not retain his majority for the whole period of the present Parliament. If he retains it for five years, he would have the opportunity of creating twenty Peers, his devoted followers, and thus of exercising no inconsiderable influence over this House. [The Marquess of SALISBURY explained that he had not supported the Bill with the object of bringing the two Houses into greater conformity of sentiment, but because he wished this House to have more of a representative character.] But why of a more representative character? The great merit of the balance of the Constitution consists in this—that the Minister of the day, be he who he may, is compelled, or at least it is his duty, so to form his measures as to conciliate or secure the approval and consent of both Houses, representing distinct and different classes, however much in particular cases they may be combined. If this House is to be representative, you had better go further and say it should be elective. That may be a fit subject for argument; but it would be the destruction of the Constitution as at present existing, and the utter overthrow of the balance pointed out by the noble Earl. With regard to the number twenty-eight, I am sorry to have to refer again to the noble Earl the Secretary for the Colonies, but having referred to the discussion of 1856, I find he made this remark—

> "The chief objection was that it introduced a principle capable of almost indefinite extension; that Her Majesty might be advised to create not one but twenty life Peers, and that there was no security against the House being swamped by such creations. He need not say that, as far as the Government were concerned, that objection was entirely unfounded. What they wanted was to strengthen a little the number of law Peers in the House by means of life instead of hereditary peerages."

The noble Earl admitted that the creation of twenty life peerages might inflict a serious injury on the constitution of this House, and assured the House that the Government contemplated the creation of only one or two, for the purpose of strengthening the appellate jurisdiction of the House. Now, setting aside the question of giving the House a representative character, what are the motives alleged for the introduction of this Bill? The first is that there may be admitted persons of great eminence —more especially of the legal profession —capable of affording valuable assistance in our debates; and next that there are persons who have performed eminent services to the Crown, entitling them to the honour of the hereditary peerage, but who are prevented from accepting it by the narrowness of their pecuniary means. Now, I think your Lordships will be of opinion that it is important that this House should be composed mainly of persons of large hereditary possessions. It is not desirable for the independence of the House that there should be a number of Peers unable to sustain the dignity of their position. I do not, of course, deny, that there might be Peers of that class possessed of as much integrity and independence as the wealthiest members of the House, and exercising their own judgment with as complete a sense of responsibility and without reference to pecuniary interests; but, as a rule, this House rests upon the foundation of property, and of sure and settled property, and it would be a great misfortune if any large portion of it consisted of members unable to live up to the position they occupied. The noble Earl has had a Parliamentary experience of about fifty years at least, being a few years older than I am—[Earl Russell: Fifty-five years.]—and he has had an official experience commencing more than forty-seven years ago. Now, I put it to him whether, in the course of those fifty-five years, he could have found in every year four persons, or two, or even one, on whom the Crown would have been desirous of conferring the dignity of a peerage, in consideration of their eminent merits, but who were prevented from accepting it in consequence of the want of pecuniary means? Now, he proposes the creation of four such Peers annually for seven years, replacing them of course at death; and his reason is that, in a single year, there might be several such cases, and that it would be hard if they could not be admitted by reason of there being no vacancies. That, however, is really an argument for reducing the annual number; for after the lapse of seven years, the twenty-eight having been all placed in this House, he would be obliged to fall back on the vacancies which might occur. In view of that contingency, it would surely be more desirable if the number were extended over a longer period, and a smaller number created each year.

I now come to the qualifications provided in the Bill, and I regret to detain your Lordships at so much length; but I may not have another opportunity of offering an opinion on the subject—which, moreover, is one clearly out of the range of political or party consideration, though one of great constitutional importance. The Bill provides that six classes of persons shall be eligible—first, Peers of Scotland or Ireland; next, persons who have sat in the House of Commons for upwards of ten years; thirdly, officers of the Army and Navy; fourthly, certain high legal and judicial officers; fifthly, persons distinguished for their attainments in science, literature, and art; and, sixthly, persons who have rendered service to the Crown in any public office for not less than five years with a fidelity and ability entitling them to some mark of special favour. Now, it should be considered whether these Peers may not be placed in a position of some inferiority to the other Peers; and nothing, I think, ought to be more carefully guarded than this, that Peers should all be on precisely an equal footing, as far as Parliamentary status is concerned. Now, during the reign of Her present Majesty all these classes have been representatives in this House, with the exception of that noble profession, the Navy—["Lord Lyons?"]—I apprehend that Lord Lyons was not admitted a Member of this House on account of his naval services, so much as on account of his diplomatic services. As for my noble and learned Friend behind me (Lord Chelmsford), the honour of a peerage was not conferred upon him for his services in early life in Her Majesty's Navy, but for his legal attainments. With regard to officers of the Army, there have been a number of such persons raised to the position of British hereditary Peers, the last being Lord Napier of Magdala. I need not refer to the various legal and judicial officers who have likewise obtained hereditary peerages. As for men distinguished for their attainments in science, literature, or art, I have always regretted that there existed no peculiar mode of distinction which it was in the power of the Crown to bestow upon them. It is a want that the country feels, and when I had the honour and responsibility of Office it was a matter I seriously considered; but the difficulties attending the creation of any such honours were such that I was compelled to abandon the idea. I am not entitled to refer, as a case of a peerage conferred for literary eminence, to a noble Earl behind me (Earl Stanhope), since he was already heir to an hereditary peerage when he acquired literary eminence; but I may take Lord Macaulay, and also Lord Lytton, whom I regret that we so seldom see or hear anything of in this House. There is likewise another noble Baron whom I must class with the literary Peers, formerly Member for Pontefract (Lord Houghton), against whom I certainly cannot make any such complaint. As to science, I will only recall the late Lord Wrottesley, Lord Rosse, and a noble Earl distinguished for his mechanical abilities (Lord Caithness), the representative of an ancient Scottish Peerage, who has been lately created a Peer of the United Kingdom. Much as I desire to do honour to literature, science, and art, even if the difficulty of selection were not so great, I should not regard a seat in this House as the appropriate reward for them. I do not believe a life peerage would be attractive to the great majority of really eminent men in those departments; and I was much struck with an observation recently addressed to the noble Baron opposite (Lord Houghton) by an eminent author who has attained a very distinguished position (Mr. Charles Dickens), on this very question of ennobling literary men. He said he had from the first determined that, whether he succeeded or failed, literature should be his sole profession, and that he would try to be master of one craft, and not "a Jack of all trades and master of none." I believe that feeling is one which prevails among literary men. They feel that the eminence they possess and the position they hold are wholly of a different kind from that exercised by the privilege of sitting here; and I do not believe they would value that admission, provided it were limited to their own lives, thereby placing them in a comparatively subordinate position to that of other Members of the House. With regard to Scotch and Irish Peers, the principle of the Bill is surely inapplicable to them, inasmuch as they are already capable of supporting the position of hereditary Peers; and in the case of eminent services in the Army, the grant of a peerage is usually accompanied by substantial pecuniary income. By eminent services I do not mean political or partizan services. I do not mean men who have sat for ten years in the House of Commons, and have studiously voted on every occasion in favour of the Government, though they have never opened their mouths or done anything besides voting; but I can conceive a case in which a man may have sat for ten or twenty years in Parliament, without having exhibited any qualities entitling him to the peerage, and yet I can imagine a Minister saying to him—"I am quite ready to offer you a seat for life in the House of Lords. You have done us good service; you have voted very steadily with us; you hold a seat perfectly safe, which I should like to have for somebody else. You are probably fatigued by the labours of the House of Commons, and may like to have such a recognition of your services as is involved in being sent to the House of Lords, where you can enjoy your *otium cum dignitate*, and at the same time I hope it will be fully understood that you will continue your steady and consistent support of Her Majesty's Government." The mere fact of having sat for ten years in the House of Commons is no qualification justifying the infliction of the discredit of a peerage limited to a man's life. There are other classes which I have not enumerated — such as the great mercantile class, representatives of which have been raised to the peerage during the present reign. There is the diplomatic class, for example, ably represented by a noble Lord on the cross-Benches. These classes are already represented under the existing system; and, though I do not object to the principle of the Bill, I think the cases to which it would be applicable are few and far between, and that the number proposed is unnecessarily large for the exigencies of the case. Nor do I think that the machinery proposed is the best mode for carrying out the principle of introducing men of singular eminence, who have not the means of supporting hereditary peerages. I should recommend the noble Earl to strike out the classification altogether. Let the Crown create a limited number of fit persons; but the classification proposed might exclude some most meritorious men, while letting in others who have no sort of claim. To secure the eminence of the individual and the reality of the service, I would suggest that the letters patent should in each case recite something to this effect—

> "Whereas, in recognition of the signal services rendered by A. B. in the office of——, Her Majesty was desirous of conferring on him the honour of a peerage; but whereas A. B. has humbly represented to Her Majesty that the state of his pecuniary affairs did not justify him in entailing on his successors the burden of supporting such a peerage, Her Majesty has been graciously pleased to confer on him a peerage limited to his own life, under the terms of the Act of Parliament."

I propose that the services be distinctly specified, so as to exclude unworthy persons, and that the sense of inferiority be removed by the offer of an hereditary peerage, leaving it to the person to decline it and to prefer a life peerage. Some noble Lords opposite manifested some astonishment at the proposed recital that the person's means were not adequate to the support of an hereditary peerage; but it is strictly analagous to the course pursued in the House of Commons. There are a certain number of pensions appropriated to persons who, for a certain length of time, have held high Office under the Crown; and the person receiving such a pension must make a declaration that the state of his private fortune does not enable him to uphold the position to which the high Office he has held entitles him. There are at the present time four recipients of those pensions; and I cannot see any reason why any one of those four gentlemen, whom I will suppose to be entitled to the honour of a seat in this House, should the Ministry think fit to appoint him, should not assert that his pecuniary means prevented him accepting an hereditary peerage.

It had not been my intention to address your Lordships at such great length, but I must say, in conclusion, that, while it is not my purpose to offer any opposition to the second reading of the Bill, I agree with the noble Earl on the cross-Benches that the measure requires to be carefully examined. I could wish your Lordships to adopt the suggestion I have made, but I reserve to myself the entire right, after the Bill shall have passed through Committee, of judging whether I shall be able to give it my support on the third reading.

EARL GRANVILLE: My Lords, I cannot but express the feeling of gratification with which I, in common with the rest of your Lordships, have listened to the clear and able statement of the noble Earl. I think the noble Earl was perfectly correct, with one exception, in the historical account he gave of what passed when the question of life peerages was before the House in 1856. I think that it was then clearly admitted—and by Lord Lyndhurst himself if I am not mistaken—that the power to make life peerages had been exercised by the Crown and allowed by the House of Lords, but at a period so remote that Lord Lyndhurst considered the precedents as not bearing on the present state of the case and on the Constitution as settled at the time of the Revolution. The noble Earl mentioned the large majority by which Lord Lyndhurst's Resolutions were carried; but I have always regretted the decision the House came to on that occasion. I do not venture now to dispute that your Lordships may have correctly interpreted the law; but there certainly was such a large amount of opinion out-of-doors on the other side, represented by persons both on the Bench and at the Bar, that it must be admitted that there existed some doubt on the point, and I think it is to be regretted that we did not adopt that interpretation of the law which would have allowed life Peers to sit in this House. However, the decision formerly come to by the House can now only be remedied by a Bill, which, at some inconvenience, will raise a discussion in the House of Commons, when the Bill is taken down there, upon the whole position of your Lordships' House, which will be hostilely attacked on one side and defended on the other without any of your Lordships being present to plead your own cause. On the former occasion the authority of the Law Lords was to a great extent opposed to the proposition to create life Peers; but I think that any person who was in your Lordships' House at the time, and who remembers the speeches and private conversation of those Law Lords, cannot resist the impression that they were actuated by an *esprit de corps* with respect to their profession, and were afraid that the proposal, if adopted, would tend to diminish the honours which in future might be given to men eminent in the law. And it has happened within the present year that a noble Friend has informed me that there was another reason which influenced many in voting in favour of Lord Lyndhurst's Resolution, and against the creation of life Peers—the idea that the late Prince Consort entertained the plan of swamping the House of Peers with men having some smattering of science and literature. I had some knowledge of the Prince Consort, and I know that there could not be a greater fallacy than to suppose that, in the interest of the Crown, he desired to diminish the position and influence of the aristocracy. At the time of the repeal of the Corn Laws, he took in that, and also in some other cases, a different view from many of your Lordships; but I never heard of any case in which he did not appear most anxious to strengthen and maintain the House of Lords. The late Prince thought it desirable that the House of Lords should not represent a caste, but should be kept in harmony of feeling with the other House, and he believed that by an infusion into this House—though not in so large a degree as to swamp the House or to make it a representative assembly—of certain persons not belonging exclusively to the landed interest or to aristocratic families, harmony of feeling would be produced with the other House of Parliament, which represents all classes in the State; but to any large increase of the hereditary peerage he had, perhaps, a stronger objection than any of your Lordships, believing that nothing would be more injurious to your Lordships' House than the exhibition of a pauper aristocracy before the eyes of the public. The Prince thought that, as the means which formerly existed in the hands of the Sovereign of enriching Peers created for their merits had ceased to exist, it was a great disadvantage that persons distinguished by their merits should be excluded from the House of Lords merely on account of their poverty; and he was of opinion that if a change were made in this matter it was desirable that it should not be delayed until it was pressed on the House by a hostile force. In all those opinions I entirely concur. With respect to the Bill under discussion, I feel the force of the objection that it is undesirable to introduce the precedent of interference with the Prerogative of the Crown. I concur in much that has been said by the noble Earl (Earl Russell), but I think there would arise this inconvenience from his proposal as to the categories from which the life Peers ought to be selected—that, on the one hand, whenever the number of life Peers was not filled up, there would be a pressure on the Prime Minister to select an individual from one of the categories, though there might be no person properly deserving the honour; and, on the other, if the proposition for forming these categories were rejected, its refusal might give occasion for an injurious tirade in the House of Commons, where it might be said that the life peerage is given to eminent soldiers who happen to have the good fortune to be in chief command at a particular moment, while it is denied to men who, like Newton, Macaulay, and Sir James Mackintosh, would be a distinction and honour to the House of Lords. For these reasons I think that there is some practical difficulty in dealing with the categories. The proposal of the noble Earl seems to possess no advantage in itself, and to have some peculiar disadvantages. The noble Earl (the Earl of Derby) argued that these life Peers would be inferior to the hereditary Members of this House. Now, I think if we pass any Bill on this subject, we ought to drop this language completely. I believe that the most rev. and right rev. Prelates are, technically, not life Peers; but supposing they were, would their position be in the slightest degree affected in the estimation of your Lordships? In the same way I may venture upon a personal illustration in the case of the noble and learned Lord opposite (Lord Cairns). I am sure there was not one noble Lord on this side of the House who, when he was made a Peer for his services, did not believe, quite independently of any party considerations, that he was a great accession to this House, though a troublesome one to us. Since that time he has been made the Leader of the party opposite—I fear the great majority of your Lordships. The noble and learned Lord, in the course of his most successful career at the Bar, has accumulated a larger fortune than that of many of us hereditary Peers. But, supposing he had not acquired a fortune, and had chosen under this Bill to become a Peer for life rather than an hereditary Peer, should we have regarded him with less respect and consideration than we do now, or would he have been rejected for the Leadership of the great party opposite merely because his peerage would not have continued to his descendants?

The Earl of DERBY: Nobody can doubt that the acceptance of a life peerage by my noble and learned Friend would have been hailed with satisfaction by every Member of this House; but the question is whether, if a life peerage only had been offered to him, except by his own wish and desire, he would not have felt that he was placed in rather an inferior position, compared with the rest of your Lordships? That is the only point I wished to raise. My suggestion, if adopted, would allow the choice of an hereditary or life peerage to rest with the person ennobled; so that, if through want of means he accepted a life peerage, he would, in the view of the public and of the Sovereign, be in precisely the same position as any of your Lordships.

Earl GRANVILLE: I confess that I do not quite see the force of the argument, and I think it would be disagreeable to many persons to be called on to make a public and formal declaration in this way—that they were not possessed of means adequate to the support of the hereditary dignity. If, moreover, there is no public advantage in the suggestion, it has the disadvantage of limiting to a certain extent the Prerogative of the Crown; and such a restriction, unless there is great reason for it, ought not, I think, to be introduced. With regard to the number, that is a different thing, and I own I should prefer the Bill without the limit which it proposes. The noble Earl (the Earl of Derby) quoted an opinion of mine expressed in a speech made some time ago — and though the other night it was thought that there was some reason against answering a speech made a week ago, I presume it was not thought improper to answer a speech of mine made thirteen years ago. Now, I do not remember my exact words, but I presume that my meaning was this—that to make twenty life Peers all at once would be an improper exercise of the Royal Prerogative, just in the same way as I think it would be an improper exercise of Prerogative to create, without adequate reason, twenty hereditary peerages. I own, therefore, that I could not follow the argument of the noble Earl about this great addition to the power of the Crown. He said very truly that the power rested mainly—though certainly not entirely — in the hands of the Prime Minister; but suppose that an ill-judging Prime Minister was, without some absolute necessity, to advise the Crown to make a very large number of hereditary Peers, what is there to stop him from doing so now? Absolutely nothing but the personal opinion of the Sovereign and the public opinion of the country. I know of no other check than that. Now in what possible manner are these two checks not applicable to the exercise of the same Prerogative in the case of life peerages? However, looking at the fears which some of your Lordships seem to entertain on this point, I am willing to concur with my noble Friend in fixing some limit to the number of life peerages. In conclusion, while we shall have another opportunity of discussing the details of the Bill, I am glad to see that there seems hardly any opposition to the passing of the second reading.

The Earl of MALMESBURY: My Lords, it is not my intention to oppose the second reading of this Bill, although I confess that if I had been present when it was first introduced into your Lordships' House I should have been an exception to the unanimity with which it seems to have been received. Let your Lordships consider what you are about to do in agreeing to the principle of this measure. From what I have heard and read of the last debate I think that the importance of this measure has hardly been appreciated by your Lordships, and that in assenting to it you may, perhaps, be doing more than you are aware of. The noble Earl who has introduced the Bill (Earl Russell) is no doubt one of our greatest reformers. He has also written upon the Constitution—a subject which no man is supposed to understand better than himself. But in all his reforms, important as they have been—in his reform of the House of Commons in 1832; in his proposed reforms of the House of Commons afterwards, which he did not carry into effect; and in the reforms of the House of Commons which he assisted the late Government to carry—the noble Earl has always kept strictly within the lines of the Constitution. In altering the House of Commons, he proposed nothing which could be called innovation—he extended the lines of the Constitution, but kept strictly within them. Now, in the present measure, the noble Earl has proposed a great innovation—he has gone altogether beyond the lines of the Constitution, and is not only proposing to alter the principles upon which the House of Lords has always existed, but he is altering the Constitution at the same time. I am very much mistaken if it is not one of the first principles of the Constitution that a peerage should be hereditary; that, indeed, is the very essence of a peerage. Now, the Bill at once sweeps away that principle. The term "life Peer" is a singular blunder, as it appears to me; for the life Peers contemplated by the Bill will not really be Peers, because they will not be *pares* of those who will be their colleagues in this House. The meaning of that word, as we have always understood it, is that here all are equal in social position, in political rights, and in that great privilege of handing down our names and titles to posterity. Now, the life Peers will not be equal to ourselves in respect of this most important privilege—they will be unable to transmit to their sons the titles and dignities given to them by the Crown. Nor, again, if we look upon ourselves as the nobility of the country, will they be noble, because the very essence of nobility is the transmission of that distinction to the son of the recipient. A peerage, as it exists in this country, is a very modern institution when compared with that of nobility. Nobility is one of the oldest institutions in the world. In the Roman Empire from the earliest ages there were patrician families, showing that the nobility was handed down from generation to generation. In the feudal ages, also, nobility was always considered hereditary; and to such an extent was this carried that, though the Crown could create, it could not withdraw a title except by reason of felony, treason to the Crown, or cowardice in the field proved against a person in the ranks of the nobility. No doubt the monarchs of those days, were often reckless of all principles whatever, but they adhered still for form's sake to the one I have mentioned, when they wished to get rid of certain nobles organized conspiracies against them, and got up sham accusations and sham trials; but they were always obliged to prove acts of felony before they could deprive these nobles of the titles which the Crown had conferred upon them. Your Lordships are therefore, I think, about to go a step further than you really intend, because you will, by the creation of these life peerages, be making a very great innovation, not only among your own nobility, which has the privilege of being also an Estate of Parliament, but infringing on the first principles of nobility as it has existed for fourteen or fifteen centuries throughout Europe, and which existed several centuries before the establishment of English Peerages. I am, moreover, afraid, notwithstanding that some members of your Lordships' House, who have spoken on this question, have made rather too light of the apprehension that those Peers who, being created only for life, will be unable to hand down their titles and honours to their descendants, will be regarded as not being equal to those whose peerage is placed upon a different footing. If I know something of human nature, I cannot help being of opinion that there will be a feeling, so far as they are concerned, not certainly of the slightest disrespect, but that they are not of a grade quite on a level with the rest of your Lordships. I may add that I have always observed that the greatest pleasure which a man derives from having the honour of the peerage conferred upon him by the Crown arises from the fact that he is enabled to transmit it to his son and successors. I have even known instances of men who being childless declined the honour of a peerage, saying it was of no value to them, but that if they had sons they should be glad to accept it. Now, that is a feeling it appears to me to be a noble feeling and one which ought to be respected, and I should be very sorry that the nobility of this country should not look upon it as the highest privilege which they could possess to be able to transmit their title and distinctions to their posterity. I very much doubt whether many persons will be found to seek for the honour of a life peerage—for it seems to me that it would amount—I will not say to an insult, but to a very humiliating slight, to offer a gentleman a peerage, and at the same time to tell him that the title and dignity conferred upon him shall not descend to his son, supposing him to have one. To a man who happens to have no son, indeed, it may be of less consequence whether his peerage is for life or not; but then no good reason can be urged against making a man in that position, a Peer after the old fashion if it is deemed desirable that the peerage should be conferred upon him at all. You object to giving a man a peerage which shall be hereditary because he does not possess the means which you deem to be necessary to support the honour of the next generation; but how do you know that his son, if he had one, might not by marriage or some other honourable means acquire a fortune sufficient for the support of the dignity? But, my Lords, I for one protest against the justice of the statement that it is necessary a Peer should be rich in order to maintain in this country the respect which belongs to his position. It might have been very well to use such an argument as that seventy or eighty years ago, when public opinion obliged every Peer to live ostentatiously, when he could not drive out without having four horses to his carriage and being attended by outriders, and when he wore his stars and ribbands morning and night. There is, however, no sort of resemblance between the state of things which existed in those days and that which exists at present. A Peer now comes up to town by railway, in the company of every person who chooses to travel in that way; he moves about as unostentatiously as any other class of persons. There are, in fact, no such distinctions in many respects as formerly prevailed between a Peer and other members of the community, and there is therefore, I contend, no necessity whatever why they should require to have large fortunes to maintain what is called their dignity in this country. They are respected according, not to their riches, but their usefulness as members of the Legislature and their usefulness in their several localities. It seems to me, then, that the arguments founded on poverty, when urged in favour of the institution of life Peers, fall altogether to the ground. And let me suppose that poverty furnishes a good reason why we should resort to the creation of life Peers—would not such a state of things be calculated to throw a dangerous power into the hands of the Minister of the Crown, who is to decide upon the persons who are to receive such peerages—would not Peers so made be very much under the command of the Minister by whom they happened to be created? Again, a life Peer falls into bad health, and the Minister will have twenty applications to supply his place. Now, that being so, I should like to know from the noble Earl who has brought this Bill forward, and who has said it will not have any effect on the state of parties, how he arrives at that conclusion? Let your Lordships consider the probabilities of the future by the experience of the past. The noble Earl is aware that his party has been in Office twenty-nine out of the last forty years, and if that be true, is it not fair to calculate that they would have had the appointment of at least three-fourths of those twenty-eight life Peers in that time, enough to decide in the course of seven years the result of a division in your Lordships' House—for when I divided the House on a question relating to the Danish War, the party majority in a full House was, I believe, only 9. These, my Lords, are some of the objections which I entertain to this proposal. It would, however, seem that you are about to give a second reading to the Bill, and I would simply observe, in conclusion, that I cannot help thinking you may hereafter have cause to repent what you will have done if you assent to the creation of life peerages, when on the occasion of great divisions much discontent will be expressed, and it will be said by the public—"Such and such a Bill was only carried by the votes of life Peers."

EARL RUSSELL: I think, perhaps, my Lords, it would be well that I should now state to your Lordships the views with which I have made this proposition—especially as a noble and learned Lord whom I see opposite is of opinion that when I introduced the Bill I was not sufficiently explicit. At the outset I think I ought to state distinctly my view as to the hereditary character of this House—I have no wish that the hereditary character of this House should be altered. In my view the hereditary character is essential to the House of Lords and essential to the Constitution, and I, for one, see no good reason for desiring to alter it. It is plain that the analogy attempted to be drawn from the Bishops and the Irish and Scotch Peers is only partially applicable to this Bill. The Bill does not deal with the creation of Peers, but with the right to a seat in this House. An Irish or a Scotch Peer is at the present moment perfectly aware that his son will not succeed to his seat in the House of Lords, and that there must be another act of election before he can sit in this assembly. The right rev. Prelates are also well aware that their sons will not succeed to a seat in the House of Lords, and that they will be succeeded by other Prelates appointed by the Crown. Therefore, I maintain that, in proposing to add to the number of Peers who now sit in this House not by hereditary right, I am not altering the general character of the House of Lords. In reply to a question put to me by the noble and learned Lord (Lord Cairns) when this subject was last under consideration, I may state that I have no desire to interfere with the character of this House with respect to its appellate jurisdiction, with which I am perfectly satisfied. On this point I will call your Lordships' attention to what Lord Cranworth said on introducing his Bill on the 30th of May, 1856. There had been a large Committee appointed, and his Lordship said—

> "That Committee—which was a very full one—consisting of between twenty and thirty members, examined a great number of persons connected with the administration of justice in your Lordships' House, the most eminent practitioners at the Bar, two distinguished Judges from Scotland, and other witnesses. The object of their inquiry was to ascertain how far the conduct of judicial business in your Lordships' House, as the ultimate court of appeal, was or was not satisfactory to the suitors and to the bulk of Her Majesty's subjects. Now, my Lords, I think I am entitled to say, as the result of that investigation, that the general—I might almost say the universal—feeling was that, although there were matters which avowedly required emendation, yet the administration of justice by your Lordships was an administration by a tribunal for which no substitute would, in the eyes of the public, be equally satisfactory." —[3 *Hansard*, cxlii. 781.]

Now I perfectly concur in that statement; but I shall, of course, listen with respect to any proposal which may be made by the noble and learned Lord on the Woolsack with reference to the appellate jurisdiction. The noble Earl who first addressed the House (the Earl of Derby), while raising many objections to the measure, admitted that there might be cases in which, owing to peculiar circumstances, persons would not wish to accept hereditary peerages, although they might be perfectly qualified in other respects to occupy a seat in this House. It was also admitted by the noble Earl that persons had already been elevated to the peerage by the Crown from every one of the classes which I named in reference to life peerages on introducing the measure. I wish for no further admission from the noble Earl than that. I have paid very great attention to what has been said as to a person objecting to being appointed an hereditary Peer, and yet being willing to accept a life peerage. It may be that a man possesses only personal property, which he wishes to divide equally among all his children; or he may think it desirable that his eldest son should assume some profession for which he would be most probably disqualified if he became a Peer. These and other reasons may lead men to decline an hereditary peerage. It has been alleged that no sufficient reasons have been shown for making the proposed innovation; but the truth is that, in recent times, circumstances have changed with regard to the honours and rewards bestowed by the Crown. In former times, the Sovereign had the power to grant considerable landed estates out of the Crown domains; but this power no longer exists. The House of Commons has also changed; indeed, it is totally different from what it was when I first entered it. At that time there were many persons, Members of the House of Commons, who could not stand the excessive wear and tear of the present day. They represented small boroughs—these seats no longer exist. It has been stated in the public prints that I propose to give peerages to superannuated Members of the Lower House. Now a man may be elected—as I was myself—to a seat in the House of Commons at the age of twenty-one, and it can hardly be said that after ten years' service, that is at the age of thirty-one, he could be properly termed superannuated. There are many men who are not equal to the excessive labour of the House of Commons at the present day. A man, whom we all regretted to lose—the late Sir William Follett, who was very eminent at the Bar—would, if he could have accepted a life peerage, have been a valuable accession to this House. Referring to the classes of men the most eminent of whom might be advantageously created Peers for life, I mentioned on a former occasion persons distinguished in science and literature. Now, I suppose no one will contend that men like Mr. Hallam or Sir William Blackstone would not be fit persons to sit in the House of Lords. But the noble Earl (the Earl of Derby) remarks that we already received into the House Lord Macaulay and two Barons who are at present Members of the House who have attained great eminence in literature. That is quite true; but why should you require that men of this class should only be created Peers if they have large landed estates to maintain their dignity, or if they are unmarried, and consequently unlikely to have any descendants on whom the dignity would devolve? For my own part, I do not see why an eminent literary or scientific man with a number of children and no landed estates should be precluded from accepting a life peerage. In considering this part of the question, I cannot help thinking that there have been men in former times—I wish to mention none in our own times—who would not only have added strength to the House of Lords by their great knowledge and distinguished character, but would have been of great use in its deliberations. For instance, a question which was much discussed at the end of the 17th century was the debasement of the currency; and I do not think that if Sir Isaac Newton (afterwards Master of the Mint) and John Locke had been Members of this House they would have been incapable of adding to the information of this assembly. Another man, whom a late editor has represented to have been entirely removed from practical business, was John Milton; yet he was Latin Secretary — in fact, the equivalent of Secretary of State for Foreign Affairs —to the Protector Cromwell, and in that capacity displayed a remarkably good judgment. During the time he held that office there occurred the terrible massacre of the Protestants at Piedmont. John Milton naturally felt strong indignation; but his prudence induced him to write a private letter to Cardinal Mazarin, asking for the intervention of the French Court in the matter; by that means an end was put to the massacre which was then going on. I do not believe that even my noble Friend the present Foreign Secretary—who could not, I think have written *Paradise Lost*—could have shown in such a case greater business aptitude or more practical prudence than did the author of that great poem. I should, for my part, be very glad to see men of that class in the House. With regard to the suggestion which has been made to me, I need only say that my object is attained by having indicated the several classes from which I think that life Peers ought to be selected. I shall be quite ready to leave the matter entirely to the discretion of the Crown, and to omit in Committee the whole of that part of the Bill; only trusting, as I hope I may do, that there is not one of those classes or categories which would be excluded from a fair consideration. Seeing that the times have so much changed—seeing that the Crown has no longer the power which it formerly possessed of granting estates or pensions, except by Act of Parliament, to distinguished generals or admirals — seeing that there are now many persons capable of taking part in public affairs who, from ill health or other reasons, would not venture to go into the House of Commons, because there is such a severe censorship kept over the Members of that House that a man hardly dares to be absent from any division of importance—I cannot but think it would be both a great advantage to this House and a satisfaction to themselves that they should participate in the deliberations of Parliament, although they would scarcely feel equal, physically, to the labours of the House of Commons. These then are the grounds upon which I ask your Lordships to read this Bill a second time. I do not propose in any way to interfere with this House as a court of appeal. That is a separate question which will, no doubt, be brought before your Lordships by authorities vastly more competent to deal with it than I can be. I propose the Bill only as a political measure—as a measure that will not impair the hereditary character of this House, which I wish to see maintained. I hold that this House is fully competent to perform all the duties which devolve upon it. When noble Lords talk of adding to the power of the Crown, I must really remind them that there is a power in the Crown now, which can be exerted, of adding hereditary Peers to this House in sufficient numbers to secure a majority for the Government of the day. We all know that when there was a question between the Ministers of the Crown and this House whether the Peace of Utrecht should be made, or whether the country should continue the Succession War, twelve Peers were added to this House, an addition which at once changed the majority. Swift in one of his letters wrote that, happily, the Queen had given a majority to the Ministers in the House of Lords; and Lord Bolingbroke said that if one dozen new Peers should not be sufficient, there would be another dozen made, and thus a majority would be obtained. We know also—it is in our own memory—that at the time when the noble Earl (the Earl of Derby) and I sat together in the Cabinet, the Cabinet, with the sole exception of the Duke of Richmond, proposed to the Crown that a number of Peers should be made; and it appears by letters published on the authority of my noble Friend on the cross-Benches (Earl Grey) that on that occasion Lord Grey proposed to recommend William IV. to make fifty Peers in order to carry that Bill. Well, those must all have been hereditary Peers, and, therefore, it is idle to tell me that I am now seeking to add to the power of the Crown. We know that in the reign of William IV. those who proposed that large creation of Peers, being supported by public opinion out-of-doors, and having the nation with them, were successful in obtaining the object they sought. The fifty Peers, it is true, were not made; the Peers chose to take another course, which, it appears to me, was less dignified—they absented themselves from the House. That was the only reason why the fifty peerages were not created; for if the Peers who resisted the Bill had attended, Lord Grey had the promise of the King, and would have proposed, with success, that fifty, sixty, or seventy Peers should be made. I now propose, therefore, to your Lordships not to add in any way to the power of the Crown, but to supply a want that the change of time and circumstances has produced; and in my opinion the measure would tend to increase the strength and uphold the character of this House.

Lord CAIRNS: I certainly had intended to ask your Lordships' attention for a few moments on this occasion, but we have other business still before us to-night, and inasmuch as there appears to be on all sides of the House a strongly manifested disposition that this Bill should pass a second reading, I think I shall best consult your convenience by postponing, until a later stage of the measure, the remarks which I should wish to make upon it. I think, upon further consideration, that this Bill will be found to be one mainly depending upon its details. If those details are arranged in a manner which shall be safe and satisfactory, your Lordships may possibly be willing to see it pass into law. But I desire for myself and for many of those around me to keep ourselves entirely unpledged as to the course we shall take on the third reading of the Bill, supposing that after it emerges from Committee it should not appear to be satisfactory to your Lordships. I undertake before we go into Committee to lay on the table the Amendment that I would suggest in the Bill; and I think the more convenient time to explain that Amendment and to state my reasons for proposing it will be when we are going into Committee.

Lord DENMAN felt strongly that the measure was wrong in principle. A Member who had been in the House of Commons ten years might, like a certain distinguished person in Dublin, have lost his election, and might thereupon be appointed to a life peerage under this Bill. He hoped that all who had the Constitution of this country at heart would join with him when he should move, as he did now, that the Bill be read a second time that day six months.

Amendment *moved,* to leave out ("now") and insert ("this day six months.")—(*Lord Denman.*)

The Earl of FEVERSHAM said, he entertained so strong an opinion with respect to the impolicy of this measure, that he felt bound to reserve to himself the right on any future occasion to take such a course with respect to it as his judgment might dictate. There was no doubt that by this measure their Lordships were asked to change some of the most important principles which were inherent in the Constitution of this country. Though it was proposed at present to carry out the principle of the Bill to a very small extent, when they had once established that principle what security was there that it might not be extended, or that it might not be made use of for the purpose of creating Ministerial majorities? Considering the very slight advantages which would be produced by carrying this measure, was it worth while to break through a great constitutional principle? He could not think so. Neither could he agree with the noble Marquess (the Marquess of Salisbury), who wished to give their Lordships' House a representative character. If they made the House representative in any sense, they would destroy its character altogether. It was by a system of balances—it was by creating a variety of interests—that they would best carry out the idea of the Constitution, not by assimilating all its parts, and bringing everything down to one uniform level.

On Question, That ("now") stand part of the Motion? *Resolved* in the *Affirmative.* Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Tuesday* the 11*th of May* next.

REPRESENTATIVE PEERS FOR SCOTLAND AND IRELAND BILL—(No. 50.)

(*The Earl Grey.*)

SECOND READING.

Order of the Day for the Second Reading, read.

Moved, "That the Bill be now read 2^a."—(*The Earl Grey.*)

The Duke of BUCCLEUCH rose to move as an Amendment that a Select Committee be appointed to consider the state of the Representative Peerage of Scotland and Ireland, and the laws relating thereto. It was known to their Lordships that by the Act of Union Scotland was represented in that House from Parliament to Parliament. As each Parliament was summoned the Scotch Peers were called upon to return sixteen Representatives, and it was proposed by this Bill that the Scotch Representative Peers, instead of sitting in that House for the Parliament to which they were elected, should, like the Irish Representative Peers, sit for the period of their natural lives. That would make a very considerable difference in the position of each Scotch Peer, because, under such an arrangement, the other members of that Peerage would have a much less chance of becoming one of the Representative Peers than at present. In 1707, at the time of the Union when the number of Representative Peers was fixed at sixteen, there were 154 Scotch Peers on the roll, to whom nine had been afterwards added, making a total of 163. Deducting the peerages which had become extinct through want of heirs, attainder, and other ways, and which amounted to seventy-seven, there were now existing in Scotland just eighty-six peerages, of which five were vested in females. But of this number there were forty-six Scotch Peers who had seats in that House, either as Peers of England, of Great Britain, or of the United Kingdom; and as there were at this moment five Peeresses, there would remain thirty-five, who, if this Bill became law, would be without prospect, in the ordinary course of human life, of becoming Representative Peers. At the time of the Union there was great difference of opinion between the Commissioners of Scotland and the Commissioners of England as to the proportion of Members to sit in the House of Commons and also in their Lordships' House. The English Commissioners proposed thirty-eight Scotch Members for the other House; but the Scotch Commissioners objected so strongly to that limitation that the English gave way and forty-five was the number agreed upon. At the same time the Scotch Commissioners argued that if Scotland was to have forty-five representatives in the House of Commons it ought to have more than sixteen in their Lordships' House. On that point, however, the English Commissioners would not yield; and the Commissioners of Scotland, sooner than lose the union of the two countries, gave way; but the result was great dissatisfaction in the Scottish Parliament, and some very strong protests were made by the Scotch Peers at the time. The English Peerage at that period was somewhere about 180, the Peerage of Scotland numbering, as he had stated, 154. The Peerage of the United Kingdom had been greatly augmented since then, and one would have supposed that the Scotch Peerage would have received a corresponding increase of its representatives; but that was not so. There were many deficiencies at present in the management of the election of Scotch Peers, which called more urgently for amendment than for such an arrangement as that proposed by the noble Earl (Earl Grey). His noble Friend proposed to make eighteen Representative Peers, but he would do that by a peculiar process—namely, when by death the representation fell below sixteen, then three Peers were to be elected, and every Scotch Peer should have not only a vote for each of the three, but a cumulative vote, so as to be able to give three votes to one Peer if he chose, and not merely two to one and one to another. That was introducing certainly a very novel system of voting, and one not at all contemplated at the time of the Union. If noble Lords took the trouble to look into the record of the debates at the time, they would find that nothing of the kind was contemplated, and he thought it very important that an investigation should be had into the manner in which the proposed changes would affect the Peerage in question, and for this purpose he would move the appointment of a Select Committee.

Amendment *moved* to leave out from ("that") to the end of the Motion and insert ("a Select Committee be appointed to consider the state of the Representative Peerage of Scotland and Ireland, and the laws relating thereto.")—(*The Duke of Buccleuch.*)

EARL GREY said, that he had failed to discover any reason for the appointment of this Committee, because, while he admitted that the Bill proposed to make an important change in the representation of the Scotch Peers, that change was one that could be better considered by the Whole House than by a Select Committee. Under the system of voting now existing the Scotch Peers were practically compelled to vote in favour of the policy of the party to which they owed their nomination. The least display of independence on their part might be visited upon them at the next dissolution, and might cost them their seats. Formerly, when this power was exercised by the Ministers of the Crown, some incidental advantage arose from it—objectionable as it was in principle—since it was the means of giving weight in that House to the Government of the day, which it was desirable it should possess. But for many years the system had ceased to be attended even by this advantage, since it was no longer the Government but a party which nominated these Peers, and that party of late had generally been in Opposition. He believed that Mr. Pitt was principally induced to adopt the system of life representative peerages for Ireland at the time of the Union from the experience that had been gained of the ill consequences of the other system in the case of Scotland. The inconvenience, if not the scandal, arising from this system had induced the Scotch Peers of late to agree among themselves that a Peer once returned should continue to be returned, unless extraordinary circumstances arose to justify a contrary course. The title of his measure simply described it to be a "Bill to amend the Law relating to the Election of Representative Peers"; it would consequently permit of clauses being added to meet the noble Duke's views; and, as the noble Duke had offered no arguments against the Bill, he submitted that the proper Parliamentary course would be to agree to read the Bill a second time, and then to refer it to a Select Committee, if their Lordships wished, which Committee could also consider the laws relating to the election of Peers of Scotland and Ireland, and introduce such Amendments as it deemed desirable.

THE EARL OF PORTARLINGTON supported the proposition to read the Bill the second time and then refer it to a Select Committee. He thought, however, that the most desirable course would be that some process should be devised which would establish only one Peerage for the whole of the three Kingdoms.

THE DUKE OF ARGYLL was strongly in favour of the second reading of the Bill, and then that it should be referred to a Select Committee to consider the clauses in detail. He agreed with the statement that every Member of that House should be an independent Member, and the manner in which, at a recent election, the majority of Scotch Peers exercised their power showed that it was expedient to change the right of Scotch elected Peers to sit in that House into a tenure for life; and he felt that if the principle of the minority vote was applicable to any case it was precisely applicable to the elections by the Scotch Peers, who were a small body, and the majority had the absolute power of excluding the minority. The noble Duke (the Duke of Buccleuch) had given—no doubt, accurately—an account of the present state of the Scotch Peerage; but, with respect to the proposition to refer the whole subject to a Select Committee, he must say he agreed with what had fallen from a noble Marquess (the Marquess of Salisbury) on a former occasion, to the effect that they should have no hole-and-corner proceedings in that House, but should conduct their business in the face of day. The whole of the Papers connected with the Scotch Peerage were on the table of the House; and could be inquired into by any Member of the House as well as by a Committee. There was nothing in this matter for a Select Committee to do which might not be done by a Committee of the Whole House.

Lord CAIRNS said, the noble Earl (Earl Grey), who proposed the measure, had asked the noble Duke who moved the Amendment to accept the second reading, and send the Bill to a Select Committee. But that would be sanctioning the principle of the Bill, and leave nothing else to be done. The first question raised by this Bill was the tenure of office by the Scotch Representative Peers. The noble Earl said it was of great importance that there should be perfect independence on the part of those who sat in this House, and that that principle was seriously invaded when a Scotch Representative Peer was liable to be removed from the representation in a subsequent Parliament if he happened to give offence to those who had elected him. Now, he quite agreed in the importance of securing perfect independence in this House so far as that object could possibly be accomplished; but if they were now arguing the question for the first time, if they were embarrassed by no existing legislation with regard to Scotch and Irish Peers, but were asking what was the best rule, would their Lordships be in favour of representation for life, or representation for each Parliament? For his part he thought that nothing could be more at variance with the first principles of representation than that you should choose as your representative a person who would continue some thirty, forty, or fifty years in that capacity, although, meanwhile, you might have changed your opinion, and he might have changed his, although the whole face of nature might have been changed, the whole aspect of affairs obliterated, and another state of things have come to the surface. A certain system of choosing Representative Peers for Ireland and Scotland having been adopted at the time of the Union with England, and being now the law of the land, he thought that system ought not to be lightly altered; and there was great objection to change. But if their Lordships could see their way to alter Acts of that solemnity, and argue the question upon principle, the argument in favour of the Scotch system prevailed very much over that in favour of the Irish system. Moreover, so far from there being any reason to suppose that the choice of representatives in Scotland was exercised by the majority with anything like tyranny, he believed that instances could be given to the contrary, and that there were in this House representatives of the Scotch Peerage who might fairly say that, in their political views, they did not concur with the majority of the Scotch Peers. The noble Earl (Earl Grey) said that in former times the Scotch Peers were always reckoned on as supporters of the Crown, and that whatever Government was in commanded their votes. That, no doubt, was the state of things in the last century, and frequent accusations were then made of corrupt practices and intimidation in the choice of the Scotch Representative Peers; of letters from the Secretary of State, saying what list should be accepted and what refused; and a Bill had been introduced proposing that the ballot should be adopted in the election in order to prevent this intimidation and those corrupt practices. But when the noble Earl was obliged to confess that this state of things had passed away, and that there was not now even a rigid exercise of their right of choice on the part of the majority, what possible reason was there to depart from the system which now prevailed, and which, during the present century at least, had worked very well? Had the Scotch Peers themselves solicited this alteration? He was not aware that they had applied for it. Some individuals among them might differ in opinion as to the merits of the present system, but as a body the Scotch Peers had not asked for a change. The first part of the Bill, relating to the change of tenure, instead of being supported by argument, was, as he had said, opposed to argument. He now came to the second part of the Bill, which was really its most important part—the mode of choice both in Scotland and Ireland, and the proposal to introduce a system of cumulative voting. Even the noble Earl would admit that the first object of any system of representation was to endeavour to produce, as far as you possibly could, the same result which would be produced if you were able to consult individually the constituency which sent the representatives to Parliament. Now, in this respect, the proposal of the noble Earl might be subjected to a simple test. It was difficult to ascertain the exact numbers, but he took the number of Irish Peers to be 112, including the Representative Peers, while the number of Scotch Peers, including the Representative Peers, was sixty-four. The only reason why these 112 and these sixty-four Peers were not in their Lordships' House at this moment in their own persons was because it was supposed at the time of the two Unions that the number of the House would be unduly swollen if the whole Peerage of Scotland and Ireland were to be transferred to this House, to sit along with the Peerage of England. Fortunately, many questions were discussed in this House which were not of a party character; but if any party question were before the House, and the whole of those 112 and sixty-four Peers were present, voting *per capita,* would the noble Earl say, from what he knew of their political opinions, that the majority on one side would be one bit less than it would be through the votes of the Representative Peers alone? That was the whole question. If it could be shown that, in case the whole of the Peers were present, there would be a smaller majority than there would be at present—there might be some argument for changing the existing system of representation. But that could not be shown. It was said to be very unfortunate that while the representatives of the Scotch constituencies in the House of Commons supported, with trifling exceptions, the present Government, a large majority of the Scotch Representative Peers were not supporters of the Government. So far from that being an argument for a measure of this kind, he thought it conclusive against the measure. The Scotch Representative Peers did not represent the commoners of Scotland—they were represented by their own Members in the House of Commons; and because the Scotch Representative Peers belonged to one political party and the representatives of the commoners to another, that was no reason for changing the system of choosing the former. It was said that those who supported the minority vote should be strong supporters of the proposal made in the Bill with regard to the cumulative vote. Now, there was one sufficient answer to that observation. The principle of the minority vote was introduced into the representation of the House of Commons in a very isolated class of cases, upon a very small scale, and professedly as an experiment. That experiment had been tried. Had it been accepted by Parliament and the country as satisfactory? He himself (Lord Cairns) was the person who ventured to propose it in that House, and he watched with great interest the result of the experiment. He was bound, however, to say—and the confession was one which he made against himself—that, so far from the experiment having been acceptable to the Members of the party opposite, it had been denounced in most unqualified terms by many who had seats in the present Cabinet; while, as to his own political friends, there was a very great division of opinion among them, and he doubted whether, if it were now to come before the House as a new proposal, the principle of the minority vote would be adopted. But he would go further. A very strong argument in favour of the minority clause, both in that and the other House of Parliament, was that it could not be regarded as involving in any sense a party question, because probably the result of the minority vote in the "three-cornered" would be to leave each party as it was before. Could the same, he should like to know, be said of the present proposition? Why, this was avowedly a proposition to take from one side of the House a certain number of votes and to give them to the other. The principle, therefore, differed most essentially from that involved in the minority vote. The next ground, he might add, on which the minority clause was supported was that, while the number of Members in the large centres of representation were to be increased under the Reform Bill, the smaller constituencies, by means of which the opinions of the minorities in those great centres had previously been represented, were to be destroyed; and it was thought, that being so, that it was in all fairness due to those minorities that they should be afforded some chance of having their views represented under the new system. That argument, however, he contended, had no application to a case in which their Lordships were called upon to deal, not with various constituencies, but with a single body of men who had been excluded from that House simply because their presence would make its numbers too large. He wished also to observe that there was another great danger attaching to the principle embodied in the Bill. The noble Earl who brought forward the measure (Earl Grey) was obliged, in order to give effect to its principle, to increase the number of Scotch and Irish Representative Peers by adding two to the number of each; but he (Lord Cairns) could not help looking upon it as a very dangerous thing to re-open an arrangement which was made at the time when the Acts of Union were passed. The Scotch Peers at the time of the passing of the Act of Union with that country were 154 in number; the English, he believed, were 180. Now, sixteen members of the Peerage of Scotland bore a certain proportion to the 180 Peers of England; but the Peerage of England had since been increased to over 400, to which number, of course, the sixteen Representative Peers of Scotland bore nothing like the same proportion as they had done formerly to 180. Moreover, there were documents connected with the Act of Union—he was not sure that there were not expressions in the Act itself—which showed that the number of Scotch Representative Peers was fixed in a certain proportion to the number of Members for Scotland occupying seats in the House of Commons, the number of those Members having at the time of the passing of the Act been only forty-five, while it was now sixty. Now, if sixteen was the proper proportion as compared with forty-five, it would seem to follow that the number of Representative Peers must be increased in order that it should bear the same proportion as at first to the increased number of Scotch Members. On the other hand, however, there were, he thought, strong arguments against any increase in the number of Scotch Representative Peers. And there was a statement made by his noble Friend behind him (Lord Portarlington), which was, in his opinion, entitled to great weight. If any change whatsoever was to be made in the number of Representative Peers in that House, the problem which ought to present itself to their Lordships' consideration was, it seemed to him, whether that change ought not, at all events, to be made in the direction of the absorption of the Peerage of Scotland and Ireland in the Peerage of the United Kingdom. There were among the Peers of those two countries some titles of great antiquity and some illustrious names; and he must contend that it was desirable provision should be made for absorbing them in the Peerage of the United Kingdom rather than that the representative system which had hitherto prevailed should be altered. The arguments which he had urged went, he thought, entirely against the principle of the Bill; but should it be referred to a Committee there were questions deserving of consideration, with which it did not deal, which might well form the subject of inquiry. Among them was the question to which his noble Friend had referred, as to whether a Representative Peer who happened to obtain a peerage of the United Kingdom should still be regarded as a Representative Peer. There was also the question as to what should be the rules laid down, in the case of a Member of that House who had a peerage both in England and Scotland, as to his right to vote for a Representative Peer for Scotland. Those were matters with which any Committee to whom the subject might be referred might with advantage deal. But he must, in conclusion, beg their Lordships not to approve the principle of a measure which proposed to effect a great and important change in a system established by the Act of Union—a change which, in his opinion, would not be an improvement, but the reverse.

The Earl of AIRLIE said, that there was a great discrepancy between the speech of the noble and learned Lord and that of the noble Duke who had preceded him on the same side of the House (the Duke of Buccleuch); for, while the speech of the noble Duke was in favour of inquiry, and in no way in opposition to the principle of the Bill, the noble and learned Lord had spoken strongly against that principle. Indeed, the noble and learned Lord was so carried away by his dislike of the Bill that he did not hesitate to speak disparagingly of the principle of the representation of minorities which he had so powerfully advocated only two years ago, and in support of which he, too (the Earl of Airlie), had recorded his vote. That change in the noble and learned Lord's (Lord Cairns) views led him to hope that the House might, at some future time, have the advantage of his eloquence in advocating other measures which he now opposed. The noble Duke had said that, instead of dealing with the Bill at once, there ought to be a preliminary Committee appointed to inquire into all the facts. But the facts were perfectly well known to noble Lords already; and, indeed, the noble Duke himself answered his own argument when he made a very accurate statement of those facts. The noble Duke had urged that a Committee of Inquiry was necessary, because the Bill was one which would effect a great change in the representation. On this he (the Earl of Airlie) would merely remark that a great change was made two years ago by the House of Commons in the representation of the country without any preliminary inquiry by a Committee; and surely the noble Duke would not contend that the question of electing Peers to this House was more important than that of electing Members of the House of Commons. In his opinion, the noble Earl's proposal was a very fair one; but he hoped that, if the House agreed to the second reading, the noble Lord would consent to its being referred to a Select Committee, which might inquire into such points of detail as were not so well known as the leading features of the measure. He much regretted that the noble Earl had not introduced into the Bill a provision that Scotch and Irish Peers who did not sit in that House should be henceforth placed on an equality in respect of their capability to sit in the House of Commons—because he could see no reason why Scotch Peers who had not been elected to the House of Lords should be wholly excluded from political life, while Irish Peers who had not been elected to the House of Lords were permitted to represent English and Scotch constituencies in the House of Commons.

The Marquess of SALISBURY: I do not wish to detain your Lordships at any length, but I will venture to express my surprise that the noble Earl, who is an old politician and reformer, should have been in such an unaccountable hurry to press forward this Bill. If the present Motion were for rejecting the Bill I certainly should not vote for it. In the present state of my convictions I am not disposed to vote against the principle of the Bill; but it appears to me that the Bill is perfectly new to us, and that it has not gone through those preliminary steps of inquiry and discussion which all measures ought to go through which relate to a subject so grave as the constitution of a House of the Legislature. This measure has been compared with the introduction of the minority clause in the representation of the House of Commons. But what was the history of that clause? It was introduced by Earl Russell in the Bill of 1854. It had been continually under the consideration of Parliament and of the public, and it was not until fourteen years afterwards that it was adopted by Parliament as the law of the land. But what is the history of this proposal? The other day it occurred to some Member of the House of Commons for the first time. On his bringing the proposition forward in the House of Commons it was put aside by a few civil words on the part of the Prime Minister; and then my noble Friend was applied to and introduced his Bill. The principle embodied in my noble Friend's Bill may be perfectly correct, but we have had absolutely no information, knowledge, or inquiry to enable us to decide upon what is a grave alteration in the Acts of Union, which unite the three parts of the country together, and in the constitution of this House. The noble Earl who has just sat down (the Earl of Airlie), tells us that all the facts are perfectly well known. They may perhaps be perfectly well known to Scotch circles; but we are not all Scotch. The main reason why a large party supported the minority clause in the other House was that there was an obvious defect in the state of the representation which then existed. There was one class wealthy and educated, and another poor and uneducated; and these were placed numerically and absolutely on a par in voting for Members of that House which decided upon questions of taxation. Now this was on the face of it a great injustice in theory, and one which might lead to serious disasters in practice; and to remedy that injustice and inequality the principle of minority representation was advocated as regards constituencies returning Members to the House of Commons. But is there any such division of classes and interests in the constituencies which return Scotch and Irish Peers? The analogy wholly fails. Then, to take another point. It may be that the rights of the majority are tyrannically exercised, and have been so exercised for a considerable time, and it may be that the interference of Parliament is necessary; but I should like to know what are the facts before acting upon such an assumption. The noble Earl (Earl Grey) has spoken of grievances which are felt in Scotland; but I should like to have something more than vague allusions to circumstances that have never been properly explained to the House. Is there a grievance, or is there not? If there be a grievance will those who suffer from it speak on the subject? I believe we ought to inquire on this point of Members of the Scotch and Irish Peerage who do not sit in this House. If they suffer from any grievance let them come before a Select Committee of your Lordships' House and say so, and we shall then know what we are about. There is another point showing the great difference between the minority clause in regard to the two Houses. The class which is outvoted in regard to the House of Commons is absolutely without relief; whereas the class which is outvoted in regard to the House of Lords can be relieved at once by the simple action of the Sovereign. This is a question entirely different from that we were discussing in an earlier part of the evening, because there is no question here as to the transmission of an hereditary dignity; and if the Minister for the time being is of opinion that an injustice has been done to the Scotch or Irish constituencies, it is open to him to raise to the Peerage of the United Kingdom a sufficient number of Scotch and Irish Peers to remedy that injustice. The fact that such a step has not been taken is a strong reason to my mind that no real injustice exists. I do not say that arguments cannot be adduced to show that this opinion is unfounded, but let us not change the Constitution of the country in a vital point by passing a Bill which has not been submitted to any inquiry or investigation whatever. In voting for the Amendment of the noble Duke I am not voting against the principle of the Bill, but merely in favour of proceeding on so grave a question in that cautious and careful manner which has always been characteristic of this House.

Earl GRANVILLE: I wish to say a few words on what has fallen from the noble Marquess (the Marquess of Salisbury). In the first place, I am at a loss to reconcile his present argument with that which he urged with great force the other day. The noble Marquess then asserted that, in the estimation of the public, the House of Lords was too apt to discuss important subjects in Committee Rooms, so that the proceedings were never perfectly known to the public, whereas additional weight would be given to their proceedings if they were more public.

The Marquess of SALISBURY: This will be a Committee to take evidence.

Earl GRANVILLE: The noble Marquess says the present case is different. Well, I never imagined that the noble Marquess said there ought to be no more Select Committees in this House. But on this particular question, above all others, I think it is desirable that the arguments urged *pro* and *con* in this House should be known to the public. The noble Marquess has said that the Scotch Peers know all about it. Well, that is rather disadvantageous to us who have only one Scotch Peer on our side, while fifteen sit on the other side of the House. At all events, however, we can discuss the matter in a full House as well as in a Select Committee. I most humbly and respectfully advise noble Lords opposite, if they mean to get rid of this Bill, to reject it on the second reading, instead of adopting a course which the public will regard as an attempt to stifle the question.

The Duke of BUCCLEUCH: The noble Earl on the other side of the House has made an imputation on me which I repel with scorn and indignation.

EARL GRANVILLE: I have not made the slightest imputation against the noble Duke. In all these proceedings the noble Duke takes a very active part; but I should be very sorry to make any imputation against him. I was merely speaking of the general impression which might prevail out-of-doors.

THE EARL OF LEITRIM said, that, as this discussion had arisen, every noble Lord had a right to express his opinion on the questions at issue. He avowed that he should be very glad to get rid of the Bill altogether; but that was no reason why he should vote for the noble Duke's Amendment. According to the Act of Union the Irish Peers were bound on their election to take the oath before an Irish magistrate. There happened at the period of the first election of those Peers to be great political excitement in Ireland, and instead of those Peers taking the oath in Ireland, as the Act of Union evidently intended, an Irish magistrate was brought over to this country, before whom they took the oath. They had been asked whether they were going to discuss the principle of the Bill. Hardly a discussion on Irish affairs ever was held without its being said—"You Irishmen never can agree; you are always quarrelling. Take an example by the Scotch. See how unanimous they are." If these constant changes were to occur in the system of government the whole basis of society in the country would be disarranged. He objected to the Bill, and hoped it would not pass.

THE DUKE OF ARGYLL desired to explain that in the observations he had made he had not meant anything personal to the noble Duke opposite (the Duke of Buccleuch).

LORD DENMAN urged upon their Lordships the superior advantages attending a reference of the Bill to a Select Committee as compared with dealing with it in Committee of the Whole House.

After a few words from Lord COLCHESTER,

EARL GREY craved the indulgence of their Lordships for a very few moments. The noble and learned Lord behind him (Lord Cairns), as he understood him, said that their great object should be so to arrange the system of Representative Peers as to produce, on a division in that House, nearly the same effect as would be produced if the whole of the Peers represented were able to attend in person. Now, he was perfectly content to test this Bill by that simple principle; and he asked, if the whole 112 Peers of Ireland were able to vote in person in that House, whether they would be likely to vote all in one way? Out of the twenty-eight Irish Representative Peers returned to that House by the existing mode of election, it was doubtful whether a single one supported Her Majesty's Government. If any of them did so, it was only one. He wanted to know whether that satisfied the noble and learned Lord's own test? Again, if the whole of the Scotch Peerage were entitled to vote in that House, was it probable that they would vote in all cases in the proportion of 15 to 1 against Her Majesty's Government? He was himself no partizan of Her Majesty's Government; but he proposed this measure simply because he believed it was a scandal in the eyes of the country that a system professing to be a representation of the Peerage of Scotland and Ireland was in no sense of the word a real representation. A measure had recently been proposed in the House of Commons to effect—though in a less satisfactory manner — the same object as he sought to attain by this Bill, and a considerable disposition to support it had been manifested; but the right hon. Gentleman at the head of the Government, while he admitted that the existing state of things was a real grievance, said, and said most properly, that the remedy for it ought to come from the House of Lords. That right hon. Gentleman did not intimate that if their Lordships failed to correct a great, acknowledged, and glaring evil, the other House of Parliament would pass it by permanently; but he did say, and most justly, that the opportunity of correcting the evil ought, in the first instance, to be left to their Lordships' House. It would be most unwise and most injurious in every respect to their Lordships' House if, after a change of this kind was deemed necessary, they should have to argue the question, not upon a Bill originating among their Lordships, but upon one sent up from the other House. If they got rid of this Bill by a side wind, in the manner now suggested, it was very probable that they would be called upon to decide upon the question in another way—and was that, he would ask, likely to add to the dignity of their Lordships' House? He had heard, with more astonishment than he could describe, the noble Marquess (the Marquess of Salisbury) speak of the want of information on this subject, and express his opinion that on that account the matter should be referred to a Select Committee. But when, not many weeks ago, he (Earl Grey) proposed that a Bill, the principle of which had been accepted by their Lordships, should be referred to a Select Committee, in order that they might the better deal with its details—because, from general observation, both in that and the other House of Parliament, he had come to the conclusion that a Committee of the Whole House was very ill-adapted for discussing details—the noble Marquess reproved him very severely for wishing to shelve a question of great public interest, instead of having it considered in the House, and before the public. That objection of the noble Marquess did not, he thought, apply to the details of the Habitual Criminals Bill, but it did apply to a proposal not actually to reject this Bill, but to postpone it by means of a general fishing Committee upon the state of the Peerage of Scotland and Ireland. As a protest against such a course, he must ask to take the sense of the House upon the subject.

Lord CAIRNS explained that what he meant to convey, in the observations to which the noble Earl had taken exception was, that if all the Irish Peers were in that House, there would be a large majority voting on one side.

On Question, Whether the words proposed to be left out shall stand part of the Motion?—Their Lordships *divided:*—Contents 32; Not-Contents 77: Majority 45.

CONTENTS.

Hatherley, L. (*L. Chancellor.*)

Saint Albans, D.
Somerset, D.

Airlie, E.
Camperdown, E.
Clarendon, E.
De Grey, E.
Fortescue, E.
Granville, E.
Grey, E. [*Teller.*]
Kimberley, E.
Minto, E.

Morley, E.
Russell, E.

Halifax, V.
Powerscourt, V.

St. David's, Bp.

Belper, L.
Camoys, L.
Chaworth, L. (*E. Meath.*)
Clandeboye, L. (*L. Dufferin and Claneboye.*)
Erskine, L.
Foley, L.
Keane, L.
Lurgan, L.
Northbrook, L.
Overstone, L.
Ponsonby, L. (*E. Bessborough.*)
Skene, L. (*E. Fife.*)
Somerhill, L. (*M. Clanricarde.*) [*Teller.*]
Suffield, L.
Sundridge, L. (*D. Argyll.*)

NOT-CONTENTS.

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Richmond, D.
Rutland, D.
Wellington, D.

Bath M. [*Teller.*]
Exeter, M.
Salisbury, M.
Tweeddale, M.
Winchester, M.

Abergavenny, E.
Annesley, E.
Bathurst, E.
Brownlow, E.
Cadogan, E.
Dartmouth, E.
Derby, E.
Doncaster, E. (*D. Buccleuch and Queensberry.*) [*Teller.*]
Eldon, E.
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Erne, E.
Feversham, E.
Graham, E. (*D. Montrose.*)
Home, E.
Lauderdale, E.
Leven and Melville, E.
Malmesbury, E.
Mansfield, E.
Nelson, E.
Portarlington, E.
Romney, E.
Rosse, E.
Stanhope, E.
Tankerville, E.
Vane, E.

Bangor, V.
Gough, V.
Hardinge, V.
Hawarden, V.
Hood, V.
Lifford, V.
Sidmouth, V.

Gloucester and Bristol, Bp.

Arundell of Wardour, L.
Bolton, L.
Brancepeth, L. (*V. Boyne.*)
Cairns, L.
Castlemaine, L.
Chelmsford, L.
Churston, L.
Clements, L. (*E. Leitrim.*)
Clinton, L.
Cloncurry, L.
Colchester, L.
Colonsay, L.
Colville of Culross, L.
Delamere, L.
Denman, L.
De Saumarez, L.
Dunboyne, L.
Dunmore, L. (*E. Dunmore.*)
Egerton, L.
Elphinstone, L.
Fitzwalter, L.
Foxford, L. (*E. Limerick.*)
Gage, L. (*V. Gage.*)
Hartismere, L. (*L. Henniker.*)
Headley, L.
Heytesbury, L.
Kesteven, L.
Ormathwaite, L.
Redesdale, L.
Saltersford, L. (*E. Courtown.*)
Saltoun, L.
Sheffield, L. (*E. Sheffield.*)
Silchester, L. (*E. Longford.*)
Sinclair, L.
Walsingham, L.

Resolved in the *Negative.*

Motion, as amended, *agreed to.*

Committee appointed accordingly.

And, on Friday, April 30, the Lords following were named of the Committee:—

L. Privy Seal.
D. Somerset.
D. Richmond.
M. Bath.
E. Doncaster.
E. Airlie.
E. Portarlington.
E. Grey.
V. Eversley.
L. Elphinstone.
L. Redesdale.
L. Silchester.
L. Monck.

House adjourned at half past Nine o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 27th April, 1869.

MINUTES.] — New Member Sworn — Lord Hyde, *for* Brecknock Borough.

Select Committee—Game Laws (Scotland), *appointed;* Registration of Voters, Mr. Goldney *discharged*, Mr. Staveley Hill *added.*

Public Bills—*Ordered*—Greenwich Hospital.

Second Reading—Beerhouses, &c. [22].

Committee—Report—(£17,100,000) Consolidated Fund *; Merchant Shipping (Colonial)* [91]; Colonial Prisoners Removal * [92].

MALTA—NEW PORT AND DOCKS.

QUESTION.

Mr. ONSLOW said, he would beg to ask the First Lord of the Admiralty, What is the present state of the works in the intended new Port and Docks at the Marsa in Malta, and when they will be completed so as to afford accommodation to Merchant Ships?

Mr. CHILDERS: Sir, the Marsa, or extension of the harbour proper, is complete, though some disappointment has been experienced from a large area of it having a rocky bottom. This we propose to remedy by laying down the requisite moorings. The works at the north-west basin have been suspended, partly at the instance of the Local Government, pending the decision as to its depth. The proceedings of the Admiralty have been also retarded owing to the different interpretation placed by the Admiralty and the Local Council of Government upon the agreement as to the value to be assigned to the island property transferred to the Admiralty. I have, however, in concert with my noble Friend at the head of the Colonial Office, and with the assistance of my right hon. Friend the Secretary of State for War, proposed certain terms, which have now been sent out for the instruction of the Governor at Malta, and which I trust will lead to a settlement satisfactory to the island community. No further delay need therefore be anticipated in the merchant shipping availing itself of the accommodation prepared for it in the Marsa.

POLICE SUPERANNUATIONS.

QUESTION.

Sir MICHAEL HICKS-BEACH said, he would beg to ask the Secretary of State for the Home Department, Whether his attention has been called to the remarks of the Inspectors of Constabulary for England and Wales, in their Reports for 1868, on the subject of Superannuation Funds for the Police; and whether he is taking any and what action in the matter?

Mr. BRUCE, in reply, said, he was bound to admit that the present state of police superannuations was unsatisfactory. He hoped, though he must not be understood to promise, that he would be able to introduce a measure on the subject in the course of the present Session.

CATTLE PLAGUE—IMPORTATION OF DISEASED SHEEP—QUESTIONS.

Mr. CORRANCE said, he wished to ask the Vice President of the Council, Whether he has received any official intelligence of the arrival of a cargo of 900 sheep by the "Trident" from Hamburg; and, whether they have been condemned as infected by Small Pox; if so, whether, under such circumstances and the recent arrival of a similar cargo from Antwerp, he does not intend to re-enact the recent Order for the slaughter of sheep coming from such ports?

Mr. W. E. FORSTER, in reply, said, it was true that last Saturday a cargo arrived from Hamburg of 905 sheep. The Custom House authorities suspected that four of these sheep were suffering under the disease of the sheep-pox. They were detained, and they had all since been killed, and measures were taken, as in the other cases, to disinfect the vessel and the wharf. But there was great doubt whether this was the sheep-pox or whether it was another disease similar in its symptoms, but by no means so fatal in its character. However, the Custom House thought, and in his opinion most rightly, that if they were to err at all it was better to act on the side of caution, and all the sheep were killed as if they had the sheep-pox, though, he believed, they had not. As an impression had gone abroad in the country that the other two cargoes, some of which were diseased, were altogether infected, he was anxious to remove that impression. The facts of the case were these—The cargo that arrived in London from Antwerp consisted of 1,800 sheep, of which five were diseased; and of these 1,800 only 219 came from the person to whom the diseased sheep belonged. There was no reason to suppose that the rest of the sheep were diseased, but all were killed. So with regard to the cargo that was landed at Harwich, only four sheep were diseased out of 375, but the whole were killed. As to the latter part of the Question, he had to say that his noble Friend Lord De Grey was giving the subject his closest consideration; but, as they were at present informed, the Government did not think it was necessary to re-enact the Orders in Council for the slaughter of sheep, and if the House would allow him he would state why this was not thought to be necessary. Hitherto they had been able to contend, and to contend successfully, with all the cases of diseased sheep that had been imported; but if the Orders in Council for the slaughter of sheep were re-enacted the effect upon the consumption of the country would be very considerable. The House would, perhaps, allow him to state that a large portion of the consumption of mutton in London was supplied by foreign importation. In 1865, 41½ per cent of all the live sheep brought into London were imported from abroad. In 1866, the importation was more than 50 per cent; in 1867, it was nearly 50 per cent, while in 1868, when the Orders in Council for the slaughter of sheep were in force, the importation was only 12 per cent, but up to the present time this year the importation had been 48,000, against 25,000 for the same period last year. The hon. Member (Mr. Corrance) would therefore see that if these Orders in Council were renewed it would be a real hardship to the consumers. He might also state this other fact, that there was a great difference between the cattle disease and the sheep-pox. The cattle disease, when it had once broken out, could only be stopped with great difficulty; whereas, since the sheep-pox made its appearance in 1865, in every case they had been able to stamp it out, without allowing it to do any harm. Taking all these considerations together, they were not prepared to renew the Orders in Council.

Mr. HENNIKER-MAJOR said, he wished to ask the Vice President of the Committee of Council, Whether, with reference to the recent importation of sheep infected with the "Sheep Pox," it is true that this disease has lately largely prevailed, and does at present, largely prevail at Hamburg, Antwerp, and Schleswig-Holstein?

Mr. W. E. FORSTER said, that he had directed inquiries to be made on this subject. At Antwerp and in Belgium there was no sheep-pox. From Rotterdam he had heard that the sheep-pox had entirely disappeared from South Holland and Zealand. From Hamburg he heard that there were no fresh cases in Mecklenburgh and Holstein.

IRELAND—EDUCATION—SALARIES OF TEACHERS.—QUESTION.

Sir FREDERICK W. HEYGATE said, he wished to ask the Chief Secretary for Ireland, Whether he has any intention of revising the scale of salaries of schoolmasters and schoolmistresses under the National Board of Education in Ireland?

Mr. CHICHESTER FORTESCUE said, in reply, that he had no present intention of doing so; but the question was an important one, and would be considered in connection with the national system, which would have to be taken in hand as soon as the Government were in possession of the Report of the Commissioners now engaged in inquiring into the whole matter.

CANADA—DOCKYARD EMIGRANTS TO. QUESTION.

Mr. KINNAIRD said, he would beg to ask the First Lord of the Admiralty, If he has received any official Communication from the Government of the Dominion of Canada respecting the prospects, on arrival at Quebec, of the Artizans and Labourers who were last year discharged from the Royal Dockyards and Ordnance Factories, and who are now proceeding to Quebec in the "Crocodile" and "Serapis;" and, if so, whether he would have any objection to lay the Communication upon the Table of the House?

Mr. MONSELL: In answer, Sir, to my hon. Friend, I have to inform him that a Despatch such as he inquires about has been received from the Governor General of Canada. He states that the emigrants sent out by the Admiralty will have the same facilities afforded to them as other emigrants that arrive in Canada. There is a tax imposed on emigrants for emigrant hospitals; that tax will probably be dispensed with in their favour by the Government of the

Dominion. Government emigration agents will meet them at Quebec, and will give them all the assistance and information necessary for them. The Government of Ontario gives free grants of land to emigrants, and the Intercolonial Railway will probably afford employment to any that may wish for it. There is no objection to presenting a Copy of the Despatch if my hon. Friend will move for it.

NEW COURTS OF JUSTICE.—QUESTION.

MR. W. H. GREGORY said, he wished to ask the First Commissioner of Works, Whether the Government have decided finally on the site for the New Law Courts, suggested in his speech on Tuesday the 20th by the Chancellor of the Exchequer; and, if so, whether the proposed site can be acquired without delay; and in what manner and how soon will the subject be again brought before the House of Commons? Perhaps the right hon. Gentleman would be able to state the precise spot mentioned by the Chancellor of the Exchequer as a desirable site for the New Law Courts.

MR. LAYARD: In answer, Sir, to the Question of my hon. Friend, I beg to state that the Government have finally decided to propose to the House a plan for the erection of the New Law Courts on the site mentioned by my right hon. Friend the Chancellor of the Exchequer on Tuesday last. As much misapprehension appears to exist in the House and out-of-doors as to the nature of the scheme suggested by my right hon. Friend, I may take this opportunity of stating that the site proposed to be acquired by the Government is that comprised between Somerset House and the Temple, bounded on the south by the Thames Embankment, and on the north by Howard Street and and several small alleys and passages connecting that street with the Temple and King's College. This site will furnish six acres of building ground. Mr. Street, who is now occupied in adapting the plans which he has already prepared for the Carey Street site to this new site, informs me that he will be able to erect all the Law Courts, and every office necessarily dependent thereon, upon these six acres. It is my intention to introduce very shortly—if possible, before Whitsuntide —a Bill which, should the House think fit to pass it, would enable the Government to proceed without delay to acquire the proposed site, and to commence the erection of the Law Courts upon it. I shall be prepared, on the introduction of that Bill, to give a full explanation to the House of the plan contemplated by the Government, and to point out its great advantages over all other plans hitherto suggested. At the same time I shall be able to give such assurances to the House as will, I hope, convince them that it may be carried out, including numerous and most convenient approaches, for the sum mentioned by my right hon. Friend—namely, £1,600,000, or at a much less cost than any other scheme. Mr. Street is now preparing detailed plans, which I shall be able to submit to the House before the second reading of the Bill. Before sitting down I may state to the House, what I had not the opportunity of stating the other evening, that I have received a communication from the Chief Baron of the Exchequer (Sir Fitzroy Kelly) stating that he and all the Judges with whom he has communicated, except one, are of opinion that upon every ground, as regards the Bench, the Bar, the solicitors, the suitors, and the public—I quote his own words—the Thames Embankment should be preferred for the site of the Law Courts.

MR. HUNT said, he wished to know if notices have been given to the parties.

MR. LAYARD: If the right hon. Gentleman will wait till I have an opportunity of introducing the Bill he will obtain every explanation.

CRIMINAL LAW—THE CONVICT WILTSHIRE.—EXPLANATION.

MR. BRUCE said, he desired to correct an involuntary omission to answer one of the Questions put to him the other day by the hon. Baronet opposite (Sir George Jenkinson) respecting the convict Wiltshire. The hon. Baronet had asked whether Wiltshire was the man of that name who, since his conviction, attempted to murder a warder in Gloucester Gaol. The best answer he could give would be to read a letter from one of the Visiting Justices of Gloucester Gaol, who was, of course, a competent authority. The justice wrote—

> "It is my duty to communicate to you that at 2 a.m. yesterday morning Charles Wiltshire, whose sentence to death I reported on the 8th of April, committed a violent attack on the warder who

was placed to watch over his safety during the night. The night patrol being within hearing, promptly gave the alarm and called assistance. When I inspected the prisoner about a quarter of an hour afterwards, he had become calm, and my believe is that the warder in attendance for the night, though a very steady and experienced man, must have fallen asleep on his seat, and the prisoner seized the opportunity to attempt to escape, believing erroneously that the warder had the keys of the prison on his person."

The hon. Baronet being a magistrate would understand that a wide difference existed between an attempt to murder and a violent attack, and would appreciate the extent to which this report should have influenced his judgment. He had to decide whether, because of this occurrence, no serious consequences having ensued, the original sentence should be executed. He decided in the negative.

GREENWICH HOSPITAL BILL.

LEAVE.

Mr. TREVELYAN rose to ask for leave to introduce a Bill to make better provision respecting Greenwich Hospital and the application of the Revenues thereof. The hon. Gentleman said that in a Session when so many measures of such gravity in their principles, and demanding so much time for the consideration of details, were being submitted to their consideration, he did not propose to detain the Committee by a lengthy exposition of the circumstances which had induced the Government to ask leave to lay this Bill upon the table; and he ventured to introduce the Bill to the notice of Parliament with less hesitation and with greater brevity, because it had been framed in accordance with the spirit of the present House of Commons —a spirit which demanded that every piece of business, small as well as great, should be done boldly, should be done thoroughly, and should be done once for all. He would not enter upon an historical disquisition with regard to the formation and the object of Greenwich Hospital, or dilate upon the terms of the charter and the original intentions of the founders—the House had enough history of that description on its hands already; he would confine himself to reading a single clause from the charter of 1694—

> "Whereas, the Seamen of this Kingdom have for a long Time distinguished themselves throughout the World by their Industry and Skilfulness in their Employments, and by their Courage and Constancy manifested in Engagements for the Defence and Honour of their Native Country; and for an Encouragement to continue this their ancient Reputation and to invite greater Numbers of His Majesty's Subjects to betake themselves to the Sea, it is fit and reasonable that some competent Provision should be made that Seamen who by Age, Wounds, or other Accidents shall become disabled for future Service at Sea, and shall not be in a condition to maintain themselves comfortably, may not fall under Hardships and Miseries, may be supported at the public Charge, and that the Children of such disabled Seamen, and also the Widows and Children of such Seamen as shall happen to be slain, killed, or drowned in Sea Service, may in some reasonable Manner be provided for and educated. And also the Widows of such Seamen, Watermen, Fishermen, Lightermen, Bargemen, Keelmen, and Sea-faring Men, who shall be slain, killed, or drowned in the Sea Service, and the Children of such Seamen, Watermen, Fishermen, Lightermen, Bargemen, Keelmen, or Sea-faring Men so slain, killed, or drowned, and not of Ability to maintain or provide comfortably for themselves, shall be received into the said Hospital, and there be provided for."—[7 & 8 *Will* 3, c. 21.]

These were the words — the very apt and expressive words — in which the Royal founders conveyed their benevolent intentions towards those gallant seamen who, by their conduct at La Hogue, had shown that the great Revolution had done as much for the Navy of Britain as it had done for her other institutions. Those were the words which it was the duty of our generation to interpret according to the best and highest of its own ideas, as it had been the duty of generations past to interpret them according to the best of theirs: and our interpretation of them was that King William and Queen Mary were bent upon providing that British seamen who had served their country and their Sovereign faithfully should not, at the close of life, or in sickness, or after wounds, fall into distress, but should confidently look forward to being maintained, at the public expense, in decency, in comfort, and in self-respect. These ends they undertook to carry out, after the notions of the age in which they lived, by erecting a great asylum in which the old men might, to the end of their days, lead a life in common, much resembling that which they had led on shipboard, where they might be fed, clothed, and nursed, and physicked, and preached to, and prayed to, and subjected to a little mild discipline. For those were days when no one had yet questioned the belief that charity was best promoted by gathering people into almshouses, and that learning was best promoted by herding them together permanently in richly-endowed Colleges. And it was probable that those who followed that course knew very well what they were about. It was evident that some great change must have passed over the ordinary social and domestic habits, when we remembered that the founders of the Charterhouse, wishing to treat broken-down gentlemen as gentlemen, collected them together in a charitable institution, and dressed them in a peculiar dress, called them "poor brethren," and that under the same roof with a great school of boys. But times had very much altered since then, and with the times the feelings of men; and that alteration told nowhere more than at Greenwich Hospital. The symptoms which indicated that that institution did not square with the modern condition of things became so evident and so scandalous, that it became the duty of those responsible to ask whether the existing organization of this great charity did or did not conduce—as far as it could humanly speaking be made to conduce—to maintaining our worn-out seamen in comfort, in decency, and in self-respect? The question was duly asked, and was answered in a most unmistakeable manner by the Commission of 1859. He would not quote from the Report of that Commission. It was notorious at the time, and was easily attainable now. But the gist of it was that the expense of the establishment was only equalled by the discomfort of its inmates. Good seamen would not surrender their pensions to enter Greenwich Hospital to live in a barrack under vexatious discipline, with nothing in the world to do, and 1*s.* a week of pocket money out of which to maintain their wives and families. Their places were filled by a class of men who, to say the very least and mildest, were utterly unfit objects for so noble a charity; and yet, even thus, only 1,600 people could be got together; and the only wonder was that 500 real sailors could have been induced to enter upon such a career of restraint and idleness when they compared it with the busy roving lives which they had hitherto led in the pursuit of their calling. When we thought of the distaste with which College Fellows so frequently regard that life of compulsory celibacy and retirement into which they have drifted, or been tempted, under our present University system; and when we remembered that these men were the most highly educated and often the ablest persons of their time, with every intellectual resource at their command, we might judge what must be the state of mind of an uneducated man, who had consumed the prime of life in hard but not unexciting manual labour, when he found himself amidst hundreds of his fellows in the same plight, condemned to do nothing from morning to night, and night to morning, except to take his stated meals at the stated hour, cut off from all the associations of home and friends, and all the thousand little interests and cares of the happy private citizen. What wonder, then, was it, that they were only able, by sweeping together—to use the expression of Dr. Liddell—the very dregs of the Navy, to collect 1,600 men in the Hospital—a good 1,000 below the number it was built to contain. And on this miserable number of 1,600—a mere drop in the great sea of naval destitution—£99,577 was expended, not leaving a single farthing for out-pensions to that great number of infirm and helpless seamen for whom King William and Queen Mary had ordained the benefits of the Hospital, and for whom successive Sovereigns had loaded it with the produce of fines, confiscations, shares, stoppages, and percentages. An institution, out of gear with the customs and ideas of the age, it had become pre-eminent for evil among other institutions of the same faulty nature. While at Greenwich, £99,000 a year supported 1,600 inmates, the 3,500 pensioners of the Invalides were maintained on very much the same scale of personal comfort for £112,000. There probably was not an extravagant or corrupt Board or Committee of Management, from one end of the island to the other, that did not plume itself on the reflection that the establishment at Greenwich—the salaries to military and civil officers, clerks and servants, with rates, taxes, and repairs to buildings—consumed £48,667, at the rate of £28 18*s.* 4*d.* per head to each individual pensioner. It was very much this state of things that the Board of Admiralty found in 1865, and that they considered it an imperative duty to remedy. It was their duty to see that the intentions of the founder were fulfilled as far as the varying circumstances of generations would admit. And those intentions evidently were—for

William was both a wise and a thrifty man—that his bounty should not be jobbed and should not be wasted, but that—set aside as it was for the advantage of our Navy—it should be made to go as far as possible, and in the direction most agreeable to the Navy itself; and, therefore, the Board resolved upon a policy by which that bounty should be so expended that the greatest number of seamen and marines should be benefited in the way which they themselves would individually prefer. That policy may generally be described as the conversion of Greenwich Hospital into an infirmary for infirm, decrepid, or imbecile pensioners, and the engrafting once more a system of out-pensions upon the funds of the institution: once more, for to satisfy the consciences of those who loved precedents, up to the year 1829, either the whole or part of the out-pensions to seamen had been paid by Greenwich Hospital. This policy was carried into effect by offering to the men inside the Hospital certain pensions and money allowances which made up £36 10*s.* a year, or 2*s.* a day. It was obvious that if these men preferred to live in their own homes, at a cost to the Hospital of £36 10*s.* a year, instead of living inside it at a cost of £60, both parties in the transaction would be largely benefited. Admission was then afterwards only to be given to real seamen and marines who could prove their claim to the title —who were actually infirm, helpless, and in real need of being nursed, housed, and tended. It was calculated that this measure would enable the staff to be diminished to what would be sufficient for 600 patients, and the Bill of 1865, accordingly provided for reducing the overgrown establishment to more manageable and defensible dimensions. Such an infirmary, it was estimated, would be maintained for £45,000 a year, which would leave, therefore, about £60,000 available for outpensions. The anticipations which had been entertained with regard to this change had been fully borne out. No less than 987 out of 1,382 inmates of the Hospital had at once accepted the terms offered and had become out-pensioners, and 150 more would also have accepted the terms if they had come within the circle that would have been been benefited by the offer. Only thirty-one of those who had accepted terms had applied for re-admission. The beneficial action of the change upon the men's health had been most marked—the annual death-rate among the out-pensioners being 6·4 as against 12·3 per cent among the inmates of the Hospital. The saving that had been effected in the management of the funds had enabled a further pension of 9*d.* a day to be paid to every out-pensioner over the age of seventy who had been on the books for ten years, and 5*d.* a day to those over fifty-five years of age who had been on the books five years. It was only within the last two months that the present Board of Admiralty had found themselves in a position to enter into this arrangement. The Board of Admiralty were anxious that this beneficial state of things should be carried still further, and with that view, they had determined to propose a reduction of the number of in-pensioners to such as could be accommodated within the walls of the infirmary. Any person visiting Greenwich Hospital would see there a large building of quite a different description to the rest of the buildings. That was the infirmary, and within that it was proposed to lodge the in-pensioners. There would then be at the disposal of the Government the large building designed by Inigo Jones; but the Government had not determined to what use they would apply it—whether to some naval or to some other purpose of great national interest. All the Government knew was, that the building could not be profitably utilized for the purposes to which it was at present devoted, because they found this immense building with its great corridors and fine rooms—a palace in itself—actually deserted. It was simply a lodging for clerks and others connected with the establishment, and the expense of keeping the place in repair amounted to something just below £5,000 a year. In order to reduce the number of the inmates of the infirmary several of the patients were to be sent to Haslar and Portsmouth Hospitals, where they were to be maintained at the cost of Greenwich Hospital. Henceforward the admission to the infirmary would be given only to naval pensioners who were helpless and infirm, to seamen and marines who had served for ten years, or to men discharged from the service on account of wounds received in the service. After their examination they would have the alternative of entering the infirmary or receiving a pension not exceeding 1*s.* 6*d.* a day. It was considered probable that a great proportion of the old men would adopt the alternative of the 1*s.* 6*d.* a day, so that we might look forward to the time when the infirmary would be closed; and, if closed under these circumstances, it would be brought to an end by the suffrages of the seamen themselves. The effect of these changes might be thus stated—The sum spent upon establishment, salaries of officers, contingencies, and repairs of buildings, amounted, in 1859, to £48,670, and that was deducted from the comforts of the men. Then came the change of 1865, and then the sum amounted to £21,083; but under the system proposed by the present Board of Admiralty, the sum would only amount to £6,831. It was probable that, in a few years, those charges would entirely disappear, and that the whole of the Greenwich Hospital might be applied to the maintenance of those seamen who had a claim on the country. He should not, however, go into details on this subject, because they would be found fully set out in a Paper which he would lay upon the table in a few days. He now came to the most important part of the scheme. When the Government proposed to diminish the number of inmates in Greenwich Hospital they were told that there were a large number of seamen of the Royal Navy in the workhouses of England, Scotland, and Ireland; and that, therefore, the proposed diminution ought not to be made. He believed it was notorious that the seamen of the Navy who were in the workhouses belonged to the class of permanently invalided seamen who had been discharged from hospital, and who had not served a sufficient time to entitle them to a pension. There could be no doubt that the nature of the service sometimes caused men to be invalided, who, had they followed agricultural occupations, might have been in comparatively good health. Accordingly the Committee were of opinion that if funds could be procured for the purpose, all men who had lost their health in the service should be received into Greenwich Hospital. The Admiralty believed they saw their way to providing for all these men by giving them the alternative either of entering Haslar Hospital or Plymouth Hospital, or of receiving a maximum pension of 1*s.* 6*d.* a day, on which they might live in comfort and decency. If the scheme was carried out Parliament would have the satisfaction of knowing that no man who had worthily served his country would be in danger of the workhouse. He would now say a few words as to the relation between the Royal Navy and the merchant service. The House were aware that there existed an excellent institution called the Seamen's Hospital. Since 1831 that institution had done much for the national honour with scarcely any aid from the national purse. The Hospital was ordinarily in the *Dreadnought*, an old ship-of-war; but in cholera times the managers had used an additional ship as an Hospital. The inconvenience of having the sick on shipboard had been felt so strongly that the society had endeavoured to build a Hospital on land, but it was found that to erect a suitable one would cost £80,000. The question was, whether that society might not be benefited by the nation in a way that would not entail any national charge. He had shown that it was highly probable that after a short time the infirmary at Greenwich might not be required for its present purposes. In such case, would it not be well to hand that infirmary over to the society which conducted the Seamen's Hospital? As to the old seamen, the Government had very carefully considered their claim on Greenwich, and the Government were of opinion that they had no legal claim on it. As, however, the Government were prepared to acknowledge that these old seamen had a moral claim upon them, he would not enter into the question at any length. It would be sufficient to say that those who paid this Greenwich sixpence were allowed to count their enforced payment as a payment towards an annuity guaranteed by the Government, and to which they could look forward as a certainty. But when the Merchant Seamen's Fund was wound up in 1851, and the money handed over to the Government, certain onerous conditions were attached to the payment of these pensions—the recipients were not to engage in any other employment, or to be receiving parochial relief. The Government considered that these old men were somewhat harshly treated. Therefore, by way of acknowledging the intimate connection between the two services — by way of acknowledging that these old men were, if not harshly, at any rate somewhat inconsiderately treated in the year 1851, and above all, in order to remove that deep grievance which rankled in the heart of every merchant seaman — the Government had determined to hand over to the Board of Trade a sum not exceeding £4,000 a year, which sum was to be given in pensions of £3 8*s.* to men, and £6 16*s.* to masters, the condition of the pension being that the pensioner should have actually paid the Greenwich 6*d.* for the space of ten years. These old men always thought they had some claim on Greenwich Hospital, and therefore he thought the Government had taken a very wise course in removing a grievance which existed among a very numerous class of men, whose affection to their sovereign and their country was of the very greatest importance. The Government had not only adhered to the spirit of the recommendations of the Committee as regarded the main provisions of the Bill, but they had accepted several of the Committee's smaller suggestions, and they proposed to abolish the office of Controller over the local receivers, relying, for their check, on the honesty of those receivers, and on the auditor and the securities which he gave. The Government, in the framing of this measure, had been anxious that every penny belonging to the Greenwich Hospital should be expended upon the seamen of the Royal Fleet in a manner most advantageous to the seamen, and with that object they were anxious to cut down all unnecessary establishments and to abolish the remains of a great system of semi-sinecures. He had now gone through the main provisions of the Bill; and had likewise explained to the Committee, as he best could, those arrangements which were within the power of the Board of Admiralty to carry out by means of the Board's own orders. The objects for which the scheme was devised were very simple and yet not unimportant nor ignoble. The Government was desirous to devote every penny of the funds of Greenwich Hospital to the benefit of those for whom the Hospital was founded in the manner which by a rare coincidence was believed to be best for them, and which they believed to be best for themselves. It was desirous, with this end in view, to cut down unnecessary establishments, and to destroy the last relics of a great system of semi-sinecures. It looked forward, and, what was more, looked forward with confidence, to the day when no seaman who had done his duty to his Queen and country need choose between beggary and the parish; when, instead of the benefits of the Hospital being confined as in 1857 to its 1,000 questionable inmates, every genuine mariner of the Royal Navy might come within the circle of its beneficent influence — when the Greenwich pensioner, instead of dragging on a dull existence, pinched by want of money, and worried by monastic rules, might live among his children and grandchildren in the full tide of village gossip, or in some fishing hamlet or seaport town, among the associations of that calling which, to the end of his days, never loses its attraction and interest to the true sailor.

Mr. LIDDELL thanked the hon. Member on behalf of a gentleman who was no longer a Member of the House, but who presided over the Admiralty Committee last year, and whose labours on this subject were of great service; he referred to Mr. Du Cane, to whom the hon. Gentleman had paid a just and honourable tribute. He was glad to hear his hon. Friend say that the Bill would be a complete measure, and that what was to be done was to be done once for all. That was different from the spirit in which previous Greenwich Hospital Bills had been framed, for hitherto a Greenwich Hospital Bill had been brought in, on the average, about every other year. That shifty legislation depended very much, however, on the fluctuating character of the hon. Gentleman's own position; for Greenwich Hospital seemed to be generally a hobby with Civil Lords of the Admiralty, who did not always agree in their views, and possibly whoever succeeded the hon. Gentleman might introduce a novel scheme of his own for the management of the Hospital. It was not for the good of the Hospital that the views as to the system of management should be continually changing, and therefore he hoped this Bill would contain the elements of stability and permanence. He was glad something was to be done for old merchant seamen; but he wished to know whether men belonging to the Navy, who were incapacitated by wounds or disease acquired in the service, and unable to provide for themselves, would be entitled either to the 1*s.* 6*d.* a day, or, if they did not choose to accept that, to admission to the Hospital as an infirmary. There were many men who might have no relations or friends, and to whom even a pension of 1*s.* 6*d.* a day would be very little real benefit. Such men might prefer, if they could, to go into the Hospital. He was glad that the stringency of the conditions of admission was to be relaxed, because as long as it was insisted upon that a man should serve a certain time before he could receive a pension—and only pensioners could be admitted—many deserving persons would be excluded from the benefits of the Hospital—a result which he did not think was the intention of the founders. With regard to the finance part of the question he should be perfectly content to leave it in the hands of his right hon. Friend the First Lord of the Admiralty. In giving up any part of the Hospital to the *Dreadnought*, he trusted that it would be made an absolute condition that that portion should again be at the service of the country if any public emergency should render it necessary that the whole of the establishment should be made use of for the Royal Navy. That must be an absolute condition. In regard to the merchant service, he had always been of opinion that they had not any legal claim to the benefits of the Hospital; but, at the same time, there was a moral claim, and he was glad that it was to be recognized by the payment of £4,000 a year to the Board of Trade, to be applied in pensions to the most deserving old seamen of the merchant service who had formerly paid the Greenwich sixpence. He quite approved the spirit in which this free gift was made.

Mr. CANDLISH expressed his thanks for the care and attention bestowed upon the Bill, and for the general principles upon which it was founded, believing that it would increase the efficiency of of the Hospital and utilize its property. It was not suprising that the subject had been taken up by successive Civil Lords of the Admiralty, seeing that the establishment charges had absorbed so large a proportion of the revenue, and he thought he saw a guarantee that this evil at least would be remedied, in the proposal to put an end to the establishment altogether. He concurred in the opinion that merchant seamen had no legal claim, and, of course, if they had one, the assertion of it would not require the intervention of Parliament; but they had a very high moral claim, in consequence of the enforced exaction of a portion of their money for many years, and he was glad that the Government recognized the claim, and he hoped the recognition would be approved by Parliament. In the borough he represented there were twenty or thirty merchant seamen in the union workhouse, and, no doubt, their condition would be alleviated by the proposals of the Bill; and in the same borough there were between 300 and 400 sailors of the mercantile marine who had paid the Greenwich sixpence. In the name of all these men he thanked the hon. Gentleman and the Government for the recognition of their claims. A matter which demanded careful attention was whether the vast estates of the Hospital should be retained or whether they might not be realized and the money invested, as such realization would still further reduce the cost of managing the estates, and thus leave a large sum for distribution amongst those entitled to its benefits.

Mr. CHILDERS, after stating that nothing could be more satisfactory than the explanation made by his hon. Friend, replied to questions which had been asked. The payment of 1*s.* 6*d.* a day was considerably more than was given for out-door relief, and was quite sufficient to keep an old seaman out of the workhouse. Such seamen, however, would have no absolute right to go into the Hospital instead of receiving the 1*s.* 6*d.* per day. That would be a matter in the discretion of the authorities. As to the *Dreadnought*, it was only proposed to hand over to the Committee the Infirmary, if it were not required for seamen of the Navy. There was already power to sell the estates, and it might be exercised under certain circumstances, but that right would have to be exercised with great caution. There was no more unfortunate financial measure than the sales of the Greenwich Hospital estates by Sir James Graham in 1831; they involved the Hospital in great loss; and its income would have been much larger now if the sales had never been made. The establishment charges, which had been one-half the income, were now reduced to one-seventh.

Motion *agreed to.*

Bill to make better provision respecting Greenwich Hospital, and the application of the Revenues thereof, *ordered* to be brought in by Mr. TREVELYAN, Mr. CHILDERS, and Mr. ADAM.

GAME LAWS (SCOTLAND).

MOTION FOR A SELECT COMMITTEE.

MR. LOCH said, he rose to move for a Select Committee to inquire into the operation and effect of the Game Laws in Scotland. He did so, because this was a subject upon which there existed a very strong feeling in Scotland, as was evinced by the fact that there were three Game Bills now before the House. They were to have been read a second time on Wednesday last; but, owing to the long discussion which took place on the second reading of the Bill to legalize Marriages with a Deceased Wife's Sister, they were postponed to the 23rd June, the earliest day available. The result of that delay was to make it hopeless to attempt to pass any one of them this Session. Now, this was a subject of very great importance to him. He had hoped that something might have been done during the present Session to allay the feeling to which he had alluded, and which could not be much longer disregarded. He now, therefore, rose to propose that a Select Committee should be appointed to inquire into the subject, with a view to obtain the best information accessible upon the question, to guide the House in legislation upon it next year. He desired by his Motion to convince the people of Scotland that he was actuated by a most sincere and earnest desire to obtain for them a remedy for a real and serious grievance which existed to his knowledge, under the present state of things. He was anxious that a Select Committee should be appointed at the present time, because he thought that the period between this and the close of the Session might be so occupied in Committee as to lay the foundation for legislation next year, in a manner far more satisfactory than if they were to pass this year any of the Bills now before the House. Now, although there were many Gentlemen in this House who were thoroughly acquainted with the state of feeling prevalent in Scotland, and were, therefore, perfectly competent to consider the question in all its aspects thoroughly and well, yet, as far as the general body of the House was concerned, there were many points in connection with the operation of the Scotch Game Laws which were not sufficiently known, and on which it was very desirable that the House should be better informed, in order that a satisfactory conclusion might be arrived at. That information could be obtained through the investigation of a Select Committee; and, in order to render whatever conclusion the House came to as satisfactory as possible, it ought to have the fullest information which a Select Committee could give. He therefore hoped the House would be prepared to accede to the Motion for the appointment of the Committee. There had been no inquiry into the Scotch Game Laws at any period. In 1845 a Committee was appointed, to which the Instruction was, to inquire generally into the Game Laws. The Committee sat for two years —the end being that they presented a long and elaborate Report; but they did not inquire into the Scotch Game Laws for the reason, as they stated, that the condition of the law in Scotland was so entirely different from the English law on the subject. The law of trespass in Scotland was different; the state of society in Scotland in relation to tenants and landlords was upon a different footing altogether, in consequence of the existence in Scotland of leases. Over a large portion of England the farms were held upon parole agreement, from year to year; but in Scotland the existence of leases was universal, forming, he might add, the basis upon which the better intelligence, prosperity, and liberal outlay of the tenants in that country had so long been established as compared with the general body of English farmers. Now, this circumstance, so advantageous in other respects, exposed the Scotch tenantry to difficulties peculiar to themselves, because, when a tenant entered upon a lease for nineteen years, which generally contained strict game clauses, he was bound down to a state of things over which he had no control whatever, and he had no means of protection from the game, nor any means of escaping the penalties and consequences of his lease; therefore, the condition of things in Scotland was essentially different from anything which existed in this country. For this reason he proposed that the inquiry should be limited to Scotland, and not be extended to England. An Amendment had been given notice of by an hon. Friend (Mr. Hardcastle) that the inquiry should be extended to England; but to that proposal he thought there was considerable objection. It would, in the first place, give a magnitude to the inquiry which would render it utterly impossible to bring it to a practical conclusion during the present Session of Parliament, while, by confining the investigation to Scotland, the Committee would be able to accomplish a great deal towards legislation next year. In addition to this he thought it would be very undesirable to raise questions in connection with the English Game Laws, which were not necessary to decide those matters which were at present producing such an unhappy state of feeling in Scotland. For his own part he could not but wonder the landlords of Scotland did not see the true character of the position which they occupied. There was a social revolution going on in many of the counties which was being caused mainly by this matter; and the legitimate influence which the landlords had so long exercised was departing from them, because they had not yet shown a desire to meet their tenants half-way on this subject. Knowing the tenants in Scotland so well as he did, he said that if there was the least disposition to meet them, they would meet their landlords fully half-way, and there would be an end to these difficulties. He did not intend to go at all into the merits of the question, and he contented himself by moving the appointment of a Select Committee.

Lord ELCHO said, he agreed with his hon. Friend most heartily in all he had said in reference to the enterprize and general character of the Scottish tenantry, and also as to the desirableness of bringing about, if possible, by legislation, a better feeling between landlords and tenants on the subject of game than unhappily existed at the present moment in Scotland. Now, he had himself brought in one of the three Bills on this subject now before the House, and he had honestly promoted the Bill in the form in which he believed in his conscience it was possible to legislate. The history of that Bill was somewhat curious. Practically, it was not the Bill he brought in two years ago—it was the Bill of a Select Committee. It would be in the recollection of the House that his Bill, along with that introduced by the hon. Member for Linlithgowshire (Mr. M'Lagan) was referred to a Select Committee. His (Lord Elcho's) Bill was taken as the basis on which the Committee went to work, and the result of their operations was the Bill now on the table. The principle of the Bill as originally brought in was to put the tenant in the best possible position for making a bargain with his landlord in the matter of game—that is, that when he took his farm he should be considered as having a primary right to the game, which he either retained or gave up when he made his covenant with his landlord. Now, the way that principle was struck out of the Bill was curious. The hon. Member for Fife entered into consultation with him (Lord Elcho) on the subject, and agreeing with the principle, he allowed his name to be put on the back of the Bill. When the Committee came to this clause, he said, of course, there could be no question about it; but, unhappily, the Lord Advocate said he had an objection to the principle; and upon a division it was struck out by a majority of 1, and amongst the majority against the principle was the hon. Member for Fife, who actually voted against what he had previously approved of. Wishing that this present Parliament should know exactly what the last Parliament had done on this subject, he (Lord Elcho) brought in the Bill exactly in the form in which it left the Committee; and moreover than that he printed the clause which was knocked out in Committee, and which, as he had said, gave the tenant the primary right to the game when he entered upon his lease. This he had done to facilitate legislation, and in doing so acted perfectly *boná fide.* He entirely agreed that it was desirable that this question should be dealt with somehow or other by Parliament; but when those Bills stood for second reading the other day, he felt that there was no hope of carrying them through. In his opinion the principle of the Bill of the hon. Gentleman the Member for the Wick Burghs (Mr. Loch) was so wrong that he hoped Parliament would not sanction it. His own impression was that the Government should be invited—nay urged—to take up the subject, and deal with it, because it was only a strong Government which could deal with a question so difficult as this undoubtedly was. If the House would bear with him he would read an extract from the proceedings of a meeting of the Scottish Chamber of Agriculture in Edinburgh, at which the tenantry of Scotland spoke of these three measures; and in order to show that he was dealing fairly, he would give first the extracts referring to his own Bill. A letter was read from Mr. M'Keig, who said—"I consider Lord Elcho's Bill a mere mockery." The President said—

> "Lord Elcho's Bill is one which common sense will at once dismiss as a sham; an insult to a class who deserve better things of a nobleman of his Lordship's standing. The Bill is as valueless as a remedy as it is deceptive. His Lordship must have a poor idea of our intellects if he thinks we can be caught by such chaff."

Mr. Hope, of Fenton Barns, said—"After the remarks of the Chairman he would not throw water on a drowned mouse;" and Mr. Goodlet, of Bolsham, said—"As to Lord Elcho's Bill, it was humbug and a sham, not worth talking about." He now came to the measure proposed by the hon Member opposite (Mr. M'Lagan). Now, what was said about that Bill? Mr. Gentle, of Bell, Inverness, said—

> "Henceforth and after dropping hares and rabbits out of the Game List, the agreement between proprietors and tenants will be quite superfluous. Many tenants are as determined game protectors as their proprietors. For my part, I will give the public welcome; only if damage is done it must be paid for."

Mr. M'Keig said—

> "Mr. M'Lagan's Bill is a step in the right direction, but it will not remove the tenant-farmer's grievance to any considerable extent. It certainly would not protect us from determined game preservers, and it is there we require protection. It will not do for a landlord and his tenant to agree to destroy crops."

Mr. Scot-Skirving said—

> "He wished those who were in favour of the Bill would show him how it would allow hares and rabbits to be killed otherwise than by letting poachers do it. There was a fallacy about the law of trespass. An action for trespass must be at the instance of the landlord. No occupant of land could prosecute for trespass. All that he could do would be to prosecute for damages. If the Bill passed, then there must be so stringent a trespass law that it would interfere with the pleasurable rights of the population."

Mr. Davie said—

> "Knocking hares and rabbits out of the Game Law was all right as far as tenants were concerned; but how tenants could agree to this Bill, which knocked hares and rabbits into the hands of the poachers, he could not understand. If Mr. Hope knew what the difficulties of keeping poachers off farms were, with the terrors of the present Game Laws, he thought he would not have supported Mr, M'Lagan's Bill."

Mr. CRAUFURD rose to Order. He wished to know whether it was competent for the noble Lord to quote these opinions about the details of Bills which were at present upon the table of the House, and which stood for discussion on a future day?

Mr. SPEAKER: The Motion before the House is for the appointment of a Select Committee to inquire into the whole subject proposed to be dealt with by these Bills, and therefore a general reference to those Bills is permissible. But it will not be right for the noble Lord to go into details.

Lord ELCHO said, he would not go too much into details, but he thought it was only right the House should hear the opinions which were expressed at the meeting in respect to the Bill of the hon. Member for the Wick Burghs. The main principle of that Bill was to take hares and rabbits out of the Game List. Alluding to the subject, the President said—

> "As far as the tenant-farmers were concerned it would give everything many would desire; but the question was, would the House of Commons pass it? I am afraid not. Besides, we know it is a delicate thing to interfere with an agreement or a covenant."

Mr. Hope, of Fenton Barns, said—

> "With respect to Mr. Loch's Bill, he held that the clauses giving power to the tenant to kill game on his farm, notwithstanding any agreement in the lease to the contrary, to be an immoral clause. He did not think it was the duty of the Legislature to over-ride private bargains in any way, unless these bargains were for an immoral purpose. If he promised to preserve hares and rabbits, he would consider himself bound to act up to that obligation. He did not think the farmers of Scotland were so weak and imbecile that they required to go hat in hand to the Legislature and ask them to protect them from their own acts."

Mr. Goodlet said—

> "Supposing the Bill passed, and he made a bargain with his landlord to preserve hares and rabbits, if he were an honest man, he would keep his bargain notwithstanding such an Act."

Mr. SPEAKER: I must remind the noble Lord that he made an engagement to the House that he would not enter into the detail of these Bills.

Lord ELCHO said, he would pass to another point. He thought he had shown that a very considerable amount of disagreement existed on the part of tenantry of Scotland on the subject of these three Bills. They objected to the principle of his (Lord Elcho's) Bill, although it was to give to the tenant the primary right to the game. They objected to the Bill of the hon. Gentleman the Member for Linlithgowshire (Mr. M'Lagan), because it would have the effect of bringing poachers on the land; and they took exception in the strongest terms to the Bill of the hon. and learned Member for the Wick Burghs (Mr. Loch), because they said it was an unprecedented interference with the right of private persons with respect to agreements. As one gentleman put it, "he (Lord Elcho) hoped the Legislature would not in any way sanction such an insult to the tenantry of Scotland as to suppose that they would enter into an agreement of this character." This showed the extreme difficulty of the subject-matter of these Bills; and what he should deem more satisfactory would be to urge upon the Government the propriety of their dealing with this question. The hon. and learned Gentleman (Mr. Loch) proposed a Committee. No doubt the Committee would take evidence; but it was a question if their inquiry could be terminated, or that they would be enabled to arrive at any satisfactory conclusion this Session. No doubt it would be extremely convenient to the Government to shelve the subject, as it were, by handing it over to a Select Committee. But we had a "strong Government," and if they were to take it in hand they might settle it without any reference at all to a Select Committee. With regard to the Game Laws in general, it was an open question with some whether we should have any Game Laws or not; but let the House mark this, that every country in the world had Game Laws. The Game Laws of America extend to the preservation of small birds, and in France the Game Laws were more stringent than ours. There was one law in particular, not passed under any Imperial *regime,* but in the time of the Citizen King in 1844. By it every man must take out what was called a *permit de chasse.* Without this, he might not shoot at all; with it, he might shoot anywhere if he had the permission of the person who owns the land. If he was the owner of land surrounded by a four feet fence, he could make his own Game Laws, and fix when the season was to open or close; in other cases the Prefêt decided what should be the close or open season. With regard to the general question—they had in every country either a very stringent Trespass Law or a Game Law; and he did not think the House would be prepared to do away with all protection to property of this kind. As regards the landlords themselves, he wished that they could bring themselves to look at this question as one of even-handed justice between man and man, as if there were no hustings either behind or before them, and as if the tenant-farmers had no votes at all. He maintained that all that legislation could do was two things—they could do what the 1 & 2 *Will.* IV., c. 38, did for England, they could transfer the primary right to the game, and to those creatures that run upon the soil, from the proprietor to the occupier. That was the state of the law in England. In Scotland it was different. Rabbits, by the common law of Scotland, were the property of the occupier, but all other description of game were the property of the landlord. Scotland and England were a united kingdom, and he thought they ought to pull together, and that one law should rule these matters throughout the country. He believed that in this matter the principle of the English Law was sound, and that the principle of the Scotch Law was unsound—that it was sound that the man who was the occupier of the land, who farmed it, who grew his crops on it, should have the right of control over those creatures by whom those crops might be injured. If he covenanted, if he received a consideration to give it up, that was a matter between him and his landlord, and the Legislature had done all that the Legislature could do when it put him in the best possible position to make his bargain with the landlord. It was on this broad principle that he had endeavoured to deal with the matter by his Bill. The other point on which he thought Parliament could come to the aid of the farmer was this—Supposing a bargain to be made, they ought to see that it was kept on the part of the landlord, and provide most summary and stringent remedies for redress and compensation. Depend upon it that—look upon this question how they would, say what they liked on the hustings, promise one thing or another—when they came soberly to discuss the question as between landlord and tenant, the whole thing resolved itself into a question of bargain and compensation. All that

Parliament had to do was to put the tenant in the best possible position to make his bargain, and having made it, to place him in the best possible position to force, if needs be, his landlord to keep it, and to give him remedy and redress in case of departure from it. That he maintained was a sound principle. The hon. Member for the Wick Burghs proposed in his Bill that agreements between landlord and tenant should not have effect, and also an alteration with regard to the Law of Trespass. What would the effect of that be in a country like Scotland? A letter appeared about a fortnight ago in *The Times* newspaper from a well-known sportsman and crack shot, Captain Ross. He said —

> "They (the farmers in the Highlands) know very well that, owing to the charms of Highland sports, estates in Highland counties have sold at a rate of purchase which is quite unknown in any other parts of Great Britain—I believe I may say of the world. From forty to sixty years' purchase of the free rents, including shooting rent, have in many instances been the price paid for Highland estates. The shooting rents amount from one-third to a-half of the gross rent, and on them the marriage settlement of younger children's provisions, public and local burdens, have been charged. Pass such an Act as that which has been introduced by the hon. Member for the Northern Burghs, and the shooting rents will go down at once, and the value of the estates will fall about 40 per cent."

Who were the people who gave these prices for Highland estates? They were the merchant princes of England—the men who made their money in trade and commerce and manufactures, and who came and spent part of their time in Scotland. Since he (Lord Elcho) saw that letter he had endeavoured to get some figures, which would show the real, actual, and intrinsic value of this property, which the hon. Member for the Wicks Burghs thus rudely dealt with. He was once the tenant of the hon. Member for a deer forest, in so far as he is manager of an enormous principality, in the Highlands. He rented a forest on that, and the rent he paid was £750. They managed the property exceedingly well—so much so that his hon. Friend raised the rent, and they had to leave it. What was the sheep rent of that ground. The utmost of the sheep rent of the land which they occupied for sporting purposes at £750, would have been £400 a year. But he had got figures from an authority which his hon. Friend would not dispute—he meant Mr. Snowie, the well-known gunmaker, who had the letting of a great part of the shootings in the Highlands. Mr. Snowie happened to be in town, and a friend of his (Lord Elcho's) went to him and got the following figures:—In 1865 the shooting rents in Inverness-shire, exclusive of land in the occupation of owners, and exclusive of deer forests, was £33,810, and of this only £11,000 was for land not moorland. Shootings near Inverness were let, in 1824, at £160, and the same shootings let, in 1868, at £3,000. For shootings and sheep the relative value of the land was from 6*d.* to 1*s.* per acre—so that the value of the sheep and the shooting was about equivalent. They heard a great deal about clearing for deer forests. The clearing was as much done for sheep, and the land which produced so much under deer to the proprietor, employed far more people and brought infinitely more money into the country than sheep-farming. These were facts which were indisputable. In Perthshire, he learnt from another authority that in many districts the shooting exceeds the grazing rental. For instance, A was a grazing proprietor, and had £1,000 for grazing and £1,300 for shooting; B has £1,200 for grazing and £1,150 for shooting; B again has £800 for grazing and £500 for shooting; with C and D the shooting and grazing rentals are nearly equal. In districts, shootings with ordinary accommodation let at 1*s.* per acre, which was about equal to the value of the pasturage. The rental for deer forests, in 1866, was £25,570, and the reserved deer forests were valued at £13,000—making £38,570. Add to that the money spent in Scotland, which generally equalled the sum paid in rent by those who came from the South to enjoy the pleasant sport of the Highlands. He said it was a strange thing for a Gentleman to come into Parliament and to bring in a Bill which practically reduced the value of that property, as stated by Mr. Ross, by 40 per cent. Did anyone think that any of these merchant princes would come and take these shootings if they knew that anybody who chose might go and trespass and shoot rabbits over the whole of it? The Bill of the hon. Member, at one fell swoop, introduced a principle of legislation which would reduce the value of property to a serious extent. There was another point with reference to the value of property to which he would like specially to call attention. The principle of the hon. Member in dealing with this question affected not simply one description of property. There was another description of sporting property—salmon. He did not know whether the right hon. Gentleman (Mr. Bright), who took a deep interest in the salmon, and was much addicted to salmon fishing, was present, but he had no doubt that he would agree with him that salmon was an article of property, as well as an article which formed a great amusement, and which it would be desirable to deal with in a careful way and not to confiscate. There had been sent to him a paper which purported to be a statement of the Committee of the Galashiels Fisheries Laws Reform League, which showed really how lax were beginning to be views of persons in Scotland with reference to this question of property. The object of the Galashiels Reform League was to make all salmon public property. The Duke of Richmond gets £12,000 a-year for his salmon fisheries, and he has a right to this as a private property in salmon. But to show the extent to which men went, when once they take up a crotchet, he would read what this paper said—

> "By the Common Law of Scotland, as interpreted by the courts in recent occasions, all persons, except proprietors of land, or those having their permission, are excluded from angling for trout in any river, loch, stream, or water in Scotland. The exclusion is practically as complete as regards angling for salmon. The main fact to be considered in connection with these fisheries, and the unparalleled code of laws—commencing with the Tweed Act of 1857, instituted for their protection—is that they at once divide the communities living on the Tweed into two distinct classes, the eighty or ninety owners on the one hand, and many thousands of people on the other, who are totally excluded from the rivers. The present is the first generation of Borderers which has been rigourously subjected to the severe statutes the fisheries proprietors secured in 1857 and since; and while they feel that exclusion from the rivers very keenly, and suffer from the severity of the law, they cannot be made to see that there is anything felonious in taking a fish from a river. An attitude of antagonism is thus created—an antagonism destructive to that good social feeling which should exist in mixed communities."

They talked about the Borderers, but there was a good deal of the Johnny Armstrong feeling in this Galashiels Reform League; for if this document were parodied, was there one word of it which any burglar or man who coveted a pearl, or any object in a shop in London, might not exactly repeat? Might he not say that "antagonism is created by the destruction of that good social feeling which ought to exist between mixed classes"—between the police and the burglar? This, he thought, ought to open people's eyes as to the language and tone which were held by some upon this question. He hoped that this Committee, if it was appointed, would not go into this question with any wild ideas upon the subject, and would look upon it calmly and deliberately. He hoped that as regards the question between landlord and tenant they would be guided by the words of one whose name ought undoubtedly to work great weight on that side of the House, and whose pupil he had been in this matter ever since 1847. A gentleman had written upon the question of the Game Laws, and there was a preface to that work which contained a letter, which he was about to read, addressed to the tenant-farmers of Great Britain—

> "No change in the law can do so much for you as you may do for yourselves. At present the right to the game is in your own hands unless you consent to transfer or reserve it to your landlords. When you take a farm and give up full control over all that lives upon it, you sign over your own subjugation to the system against which you so loudly and justly complain."

These words were taken from a letter written by the President of the Board of Trade, and published in the preface to Mr. Wellford's book on the Game Laws. This letter was written immediately after the close of that inquiry, and related to the Committee on the English Game Laws—an inquiry which lasted for two Sessions; and the conclusion to which it came as regards the farmers was that by the existing law they had the remedy in their own hands, and that they had themselves to blame if there was any subjugation to the system against which they so loudly complained. He thought that this was a question which ought to be discussed, and that they ought to speak out clearly, plainly, and boldly upon it. He maintained that, as between landlord and tenant, legislation was almost powerless. What was all powerful was public opinion. No man deplored more strongly than he did, the extraordinary extent to which this system of slaughtering had been carried. But that was an abuse of legitimate sport. He thought it right and reasonable that a man should be fond of sport. He did not think a man was worth much if he had not a little of the Red Indian in him, and he thought that those who lived in towns were quite prepared to agree with the receipt of the famous Mrs. Glass, that "before you cook your hare you must catch it." With reference to the question of the sale of game, a great change in the law of England was the licence to sell game by the Act of William IV. The intention of the Act of William IV., was to prevent poaching, but it had led to the abuse of game preserving. He held that the proprietors, as an act of duty, ought not to make money out of game, or to prevent poaching, or to sell it. There ought to be some legitimate means of supplying game to those who like it at their dinners, in order to prevent the operations of poaching; but, as I said on that question what I said on the last question, what we must look to was public opinion. He believed that public opinion, rightly and frankly declared, would check the abuse of game preserving, and for himself he would say that he should endeavour, by all means in his power, to bring about such a change of feeling as would create confidence on the subject, and lead to the establishment of a kindly feeling between the landlords and tenants of Scotland.

Mr. M'LAGAN said, he was sorry that this discussion had not been taken on the second reading of the Bill he had introduced. He must express his surprise at the course which his hon. Friend proposed. The question of the Game Laws had been before the House for the last three Sessions. When the hon. Member first entered this House he was so anxious for legislation upon the subject that he introduced a Bill—from which he (Mr. M'Lagan) supposed that his knowledge must have been great upon the subject, and that his experience must have been extensive; but instead of that, and although his Bill had been before the House for six weeks, he now came forward and asked for a general inquiry into the whole subject. The uses of a Select Committee were two—one was to have a *bonâ fide* inquiry into the subject; the other was to shirk inquiry, and to shelve the question. He did not by any means wish to say that that was his hon. Friend's object, but certainly his Motion would have that effect. He objected to the Select Committee because there was no necessity for it. It would be useless to go into an inquiry after the Whitsuntide holidays, when only five or six weeks of the Session would be left, in which time it would not be possible for those Gentlemen, who did not agree with those who proposed alteration, to collect their evidence and to hold their witnesses in readiness, so as to enable them to report to the House this Session. He was told that the Government intended to support this Motion, and therefore there would be no use in his opposing it by moving the Previous Question; but he put to the Government whether it would not be better, instead of appointing a Select Committee, to have a Royal Commission, who would have much more time to go into the subject during the Recess than a Committee of that House in June or July, and the farmers of Scotland would be much more satisfied by such an appointment than by the appointment of a Select Committee. The Bill which he had had the honour to introduce to the House on this subject did not originate with himself—it was founded on the Resolutions of the Chamber of Agriculture of Scotland unanimously agreed to at a meeting three years ago. The farmers did not ask for protection against their landlords, or make any puerile complaints of injustice done; what they wanted was to be allowed to use their capital and their skill and their industry to the best advantage for themselves and for their landlords. He would ask the learned Lord Advocate to consider whether it would not be more advisable to have a Commission than a Select Committee. His own feeling was decidedly against both, but he certainly preferred the Commission to the Committee.

The LORD ADVOCATE said, he thought that, under the circumstances, the House ought to consent to the appointment of this Committee. If there was no other reason for it, the speech of the noble Lord (Lord Elcho) was sufficient to show that there was so much difficulty in the subject that it ought to be inquired into. It must be perfectly plain to the House that legislation this year on the subject was entirely impossible—indeed, even if the three Bills had been considered earlier in the Session, I should have said that it was not desirable to have legislation this year. The subject had excited a great deal of attention, a great deal of excitement, and a great deal of irritation in Scotland—it was the subject of discussion during the recent elections; it was a matter that had aroused agitation in all parts of the country; and, in his opinion it would better, if there was to be legislation at all, to allow this Session, at least, to pass over before attempting to settle a question which was full of difficulty, and in some respects full of delicacy also. But he thought they would spend their time to advantage in inquiring into this subject, for he believed that, under the inquiries of the Committee, it would assume its real dimensions. There was, he thought, a good deal of exaggeration both on the one side and upon the other; but he also believed there was a real grievance to be remedied; at all events he was certain that there was a very strong public opinion on the matter, and therefore under the circumstances it was the duty of the House, whatever may be the ultimate result, to take care that those opinions are accurately and sedulously sifted. Upon these grounds he thought they should accede to the Motion of his hon. Friend. Whatever may be the merits of these Bills, it appeared to him that by far the best remedy for the existing evils would be found in a proper relation and good feeling between landlords and tenants. That, and that alone, could produce the true remedy. On the other hand he must say he thought his noble Friend (Lord Elcho) had argued his view of the case upon an entirely false foundation. Nothing could be done in the way of legislating on the Game Laws without keeping clearly in mind that they were the creations of statute and of statute alone. Game was not property in any sense. When a man killed a hare or a partridge on the ground of another, he did not commit theft if he carried it away; and the Legislature therefore protected the right of the proprietor of the soil by enactments directed to an entirely different result — such as the day and night poaching Acts, which attach criminality, not to the taking of the wild animals, but to the circumstances under which it was taken. Therefore, being entirely the creation of statute, the Legislature would not interfere with property even if it abolished the Game Laws altogether to-morrow; nor would it interfere with property if it attached any conditions it might think right to the Game Laws as they stand. That consideration must be the foundation of all inquiries into these matters. Salmon fisheries, which had been alluded to by the noble Lord, was property in a certain sense. It did not follow from what he had said that they were to abolish the Game Laws, or do anything to deprive the country generally of that love of sport which was part of the national character, and which existed in the minds of the tenants as well as in those of the landlords. Believing that inquiry would be useful, as bringing together the conflicting opinions on the subject, the Government would support the Motion for a Select Committee.

Mr. MACFIE, on behalf of the masses of this country, thanked the Government for yielding to the request for a Select Committee. He should himself have preferred the suggestion of his hon. Friend the Member for West Lothian to have a Royal Commission. He trusted that this inquiry, when it is entered into, will not be entered into in the spirit of the Game Laws being a landlords' question or a tenants' question, but a question of public policy especially; in order that in Scotland, where there were such large tracts of uncultivated land, something might be done for the employment of the people, and for the prevention, to a large extent, of that great evil—emigration. He trusted that deer forests would be considered to come within the scope of the inquiry.

Mr. LOCH said, he desired to say a few words with reference to what had fallen from the noble Lord the Member for Haddingtonshire (Lord Elcho). In the first place, he thought the noble Lord was hardly justified in going into the details of the Bill which he (Mr. Loch) had presented to the House. In the few observations with which he proposed this Motion, he had abstained altogether from discussing the various questions involved in it; but after what had fallen from the noble Lord, he had no choice but to say one or two words with reference to the observations he had made. The noble Lord had entirely misapprehended the meaning and scope of his Bill. There was nothing whatever in it that proposed a power to break existing covenants or agreements. The clause to which the noble Lord had adverted was purely declaratory of the law in the future, and with reference to future agreements, and was founded upon a principle as well established as any other principle could be in connection with the law—that no man had a right to use his property so as to make it injurious to third parties. That was the real meaning of the clause to which the noble Lord had adverted. But if his noble Friend had looked at the Votes, he would have found that, some fortnight or three weeks ago, he (Mr. Loch) proposed to insert a clause in the Bill in Committee, in which express provision would be made with reference to existing leases, that, in the event of a tenant desiring to take advantage of the powers conferred by the Bill, to kill hares and rabbits, he must first pay to his landlord any difference or abatement of rent, expressed in his lease as the consideration for the original reservation of that power by the latter. It was his intention, therefore, if the Bill had proceeded, to have proposed that the mutual rights of landlord and tenant — so far as affecting themselves—should be scrupulously respected. As regarded the question in its effects on the public interest, it became a different matter altogether. The clause in the Bill to which he now adverted was a declaratory clause with reference to future agreements between landlords and tenants. There were various other points to which his noble Friend alluded in the tone and spirit of a sportsman only. He spoke of the pecuniary advantage to be derived from clearing large tracts of land from sheep, and putting them under deer, and that this gave employment to an increased number of people. To a certain extent there was some truth in the observation. There could be no doubt, too, that in these days persons were willing to pay very high rents—indeed, exaggerated rents I believe them to be—for land devoted to deer; and that they did employ a number of people was also most true; but he was quite sure that the habits taught to these people, employed as gillies and gamekeepers, were not to be compared in usefulness to the habits which they would acquire as shepherds and labourers, if employed on ordinary farms. Nor are these things to be estimated merely by the amount of rent that was received. He could not think that there was in this sufficient to justify the diversion of great tracts of country from the useful purpose of producing mutton and wool, to mere purposes of sport; at the same time he was far from desiring that existing deer forests should be put an end to. The noble Lord was under a misapprehension in speaking of his (Mr. Loch's) Bill as one that would interfere with the value of deer forests. He must have been confusing it with the Bill of the hon. Member for the county of Linlithgow. The remedy proposed by his (Mr. Loch's) Bill was that the tenants should have absolute power to kill the hares and rabbits on their farms. There are no tenants on deer forests, and, therefore, the danger his noble Friend thinks likely to accrue to the deer forests from his Bill is an illusory one.

Sir DAVID WEDDERBURN rose only to express the hope that the evidence laid before the Committee would be ready in time to admit of satisfactory legislation early next Session. This was a subject upon which the people of Scotland felt very deeply. They had sent up fifty-two Members to support the Government, and he believed there was scarcely one Member who had not promised his constituents to support some well-considered measure on the subject. The fate of the three Bills before the House showed that this was a matter that could only be dealt with successfully by a strong Government. They now had a strong Government, many of whose most zealous supporters had been sent here to effect a reform of the Scotch Game Laws. He thought, therefore, the Scotch Liberals had a claim upon Her Majesty's Government in this matter.

Mr. P. A. TAYLOR denied that there was any need of further inquiry so far as England was concerned, and thought his hon. Friend (Mr. Hardcastle), who had proposed to extend the inquiry to all parts of the United Kingdom, must either have forgotten or not paid much attention to the proceedings and Report of the Select Committee which sat upon this question in 1845-6, because there was not a single question that could be raised upon any branch or bearing of the Game Laws which had not then been raised. The proceedings of that Select Committee were of the most exhaustive character, and the Report furnished the most satisfactory reasons for effecting a change in the Game Laws.

The question was thoroughly sifted, as might be concluded from the fact that the Report extended to 1,578 pages, and contained 25,603 questions. On the preservers' side there were thirty-seven witnesses examined, not one of whom was an independent tenant-farmer. These thirty-seven witnesses were made up of eleven game-preservers, eight chief-constables and inspectors of police, one master of a jail, one retired game-dealer, one beerhouse-keeper, five solicitors, four agricultural labourers, who held allotments under preservers, one farm bailiff, three gamekeepers, one land agent to a preserver, and one tenant-farmer, who was, however, also tenant to a preserver. Among the thirty-five witnesses examined on the case against preserving, there were twenty-one independent tenant-farmers. Various recommendations had been made by the majority of the Committee, but the recommendations had remained untouched. It was recommended that cumulative penalties for poaching should be abolished, but nothing had been done; that the penalty for sporting without a certificate was excessive, but nothing had been done; that informers should not receive a moiety of the penalty, but nothing had been done; that night poaching, when unattended by circumstances of aggravation, should not be punished by transportation, but nothing had been done. Neither had anything been done to carry out other recommendations of the same majority of the same Committee, as follows:—That persons convicted of night poaching, not in gangs, and without violence, should not be required to find sureties for not repeating the offence; and that pecuniary compensation should be given to the owner of crops damaged by game. One recommendation had indeed been carried into effect, which, perhaps, was not surprising considering the constitution of that House—namely, that hunting and coursing should be allowed without a certificate. Another suggestion of the same Report, that owners and occupiers of land should be allowed to kill game upon such land without a certificate, had been partly carried out by allowing hares to be so killed. A minority Report was also drawn up, and the views of the minority, among whom was his right hon. Friend (Mr. Bright), who had moved for the Committee, were the following:—That the police should not be employed in enforcing Game Laws; that the Night Poaching Act should be repealed; that there should be no limitation of time for killing, and owners and occupiers should have unrestricted right to kill game, as they now had to any product of the soil; that persons who preserved game upon their own lands should be liable for the damage done on the lands of other persons; and that no time should be lost in repealing the laws so injurious to agriculture and demoralizing to labour. He need hardly say that these recommendations remain untouched. Indeed, since that time, instead of the law having improved, it had rather retrograded, considering the Act which was passed, in 1862, for the purpose of enabling the police to assist in the preservation of game, and in which the old constitutional principle of supposing a man innocent till he was proved guilty was distinctly violated. That Act he (Mr. Taylor) and many of his friends whom he saw around him had done their utmost—exhausting the forms of the House in their opposition—to prevent passing into law. Should he be going too far in a Reformed House to designate that Act as an atrocious measure? He repeated, that what had taken place since the Committee of 1845-6 was that the evils then proved had greatly increased, in consequence of the increasing head of game preserved to meet the change in the character of what was called sport. In those days it was more the custom for a gentleman to walk over his land with his gun as a healthful recreation, instead of the prevailing system of butcherly battues. It had been said by the noble Lord (Lord Elcho) that the question of the Game Laws was simply one between landlord and tenant, and that its solution was to be found in arrangements satisfactory to those parties. He (Mr. Taylor) maintained that important as was the question, with respect to the interests of tenant-farmers, other and more important interests were actually involved—the interests—namely, of the whole community, in respect of the waste of its productive power, and, more important still, the demoralizing effect produced upon the labouring population. Sensible as the noble Lord had shown himself to some of the injurious effects of the Game Laws, it was strange that his Lordship had omitted to mention the 12,000 or 14,000 convictions which take place under these laws every year. Take the case of a contract between a landowner and his tenant, where the latter agrees to pay £200 a year rent, reserving the game to the landlord, for a farm for which he would otherwise give £400; that might be an arrangement satisfactory to a farmer, especially if he were fond of sport and a slovenly farmer, but it would by no means satisfy the interests of the country, or save the demoralization of the people. Were we to be told that, in discussing these matters, we were interfering with the rights of the landlord, he (Mr. Taylor) maintained that a landlord had no more right to overstock his land with hares, than to breed Bengal tigers. In either case it was a question of public policy. He was not sure that tigers would really do the greater mischief—they would devour a few Christians, while the hares devoured and destroyed food that would feed thousands. It was in this view of the question that he thought the noble Lord had made a mistake, when he declared that a provision making invalid an agreement between landlord and tenant, reserving the property in game to the former, would be an unprecedented violation of the principles of Common Law. In his (Mr. Taylor's opinion, such a provision partook of the nature of an immoral, and therefore not binding, agreement, amounting in fact to a conspiracy to produce wild animals to an extent injurious to the public weal. It was maintained by some hon. Gentlemen, that the evil of the Game Laws consisted in their name, and that if the so-called Game Laws could be abolished, and the same results produced either by making game private property, or by increasing the stringency of the Trespass Law, all that was essential would be effected. He (Mr. Taylor), on the contrary, maintained that the evil lay in a fact, and not in a name, that fact being the forced maintenance of a too large quantity of wild animals in the midst of a civilized community; and, in his opinion, that was the real evil against which legislation must be directed. He believed that carrying into effect the recommendations of the minority Report of the Select Committee of 1845-6 would attain the result desired. He did not know whether his hon. Friend (Mr. Hardcastle) still proposed to deal with the question in accordance with a Motion he had given at the beginning of the Session, or whether the Government would take the matter up; but if not, he (Mr. Taylor) begged to give notice that he would, at latest, in the commencement of next Session, ask the permission of the House to bring in a Bill based upon the principle that there should be no legal distinction made between various classes of wild animals in respect of their preservation and slaughter.

Sir HENRY HOARE thought that, in a House elected on the basis of an enlarged constituency, some attempt should be made to bring legislation upon matters of that kind more into harmony with the feelings of the people than at present was the case. The House ought to consider how these laws affected the distribution of food and the way in which the law was administered, as well as those by whom it was administered. He advocated the appointment of a Royal Commission or a Committee for the consideration of a subject in which the great mass of the peeple felt deeply interested. No doubt, hares and rabbits consumed a large quantity of what would otherwise be good and wholesome human food. It was a constitutional maxim in this country that no one should administer the law on an occasion when he had a positive interest in its administration, and rather than violate this maxim magistrates left the bench; but county magistrates heard charges made against poachers, although, according to this maxim, they were not the people who ought to decide on offences committed by poachers. Under Sir Baldwin Leighton's Act the police were constituted gamekeepers, whose wages were paid by the ratepayers. He believed that, if these questions were taken up in a spirit of justice, a conclusion might be arrived at which should reconcile the interests of both owners and occupiers.

Mr. GREENE thought the hon Member for Leicester's (Mr. P. A. Taylor's) remark, that landlords had no more right to keep hares than they had to keep Bengal tigers on their land, might be left to answer itself. Perhaps no man in that House knew more about poaching than he did. When he came to the parish where he now resided there were twenty-four men who regularly carried guns for the purpose of poaching, for his predecessor was a kind-hearted lady, who would not prosecute. But when he (Mr. Greene) came he offered them employment, at the same telling them that if he caught them poaching he would prosecute them. He did catch some of them; but he was happy to say that now, with the exception of two or three, they had forsaken poaching and taken to regular employment. He would like to know how they were to alter the Game Laws without giving some other protection to property. The penalty for trespass was only 40*s*., and if a man were apprehended for shooting without a license, that was an offence against the Excise Laws, and not against the Game Laws. Much had been said against the Act which was passed a few years ago, giving the police power over poachers; but he was bound to say that the measure had acted most beneficially; for the poacher could now be met and stopped on the road, as well as being watched on the land. But while he insisted that property should be protected he was no friend to excessive protection; he emphatically condemned it; and he knew that in his own county of Suffolk the practice was extending year by year of the landlord giving the tenant the right to kill rabbits, while the tenant, on the other hand, was desirous to show his landlord that he had game on his land, for he knew that if the landlord found no amusement when he came into the county he would not long reside there. What was a gentleman to do when his friends come down to visit him in the winter, if after breakfast he had no sport to take them out to? He believed England would then be reduced to the state of the Continent—the landowners would flock to the capital, and leave the provinces to take care of themselves.

MR. BRIGHT: I am sorry I was not in the House to hear the speech of the noble Lord the Member for Haddingtonshire. As I have taken for many years a great interest in this question, I shall ask to join in this debate, but only for a few minutes. The Committee which sat in 1845 and 1846, to which my hon. Friend the Member for Leicester (Mr. P. A. Taylor) referred, went thoroughly into this question—as thoroughly, indeed, as it was possible in that day. There were not only on that Committee strong opponents of the Game Laws; there were on it also men whose conduct I thought was not altogether to be commended in the violence with which they upheld the law as it then was. The late Lord George Bentinck was the leader of the opposition to my plans and principles, and every Member of the House who was in it when he was here will feel sure that everything that could be said and done in favour of the Game Laws was said and done by him. The result was a Report which recommended very small alterations, which alterations for the most part have not been made. The country gentlemen until very lately—and for aught I know it may be so now—have had a very large share of power in this House, and their union is marvellous when there is anything of this kind to defend. I suppose they are influenced by the feelings of the hon. Gentleman who has just spoken; they would hardly know what to do with themselves and their visitors at their country houses in winter if there were no game. In the preface which I wrote to Mr. Welford's book, and in the evidence which I gave before the Committee, I said that the case really was in the hands of the farmers themselves, but I did not mean by that that there was no necessity for alteration in the law. What I meant was that the farmers themselves have in their own hands the power, whenever they choose to use it, to compel in this House an alteration of the law. I hoped and believed that after the abolition of the Corn Laws, in 1846, there would grow up rapidly in the counties and among the tenant-farmers a commercial spirit which would insist upon this—that every farmer when he undertook a lease for the holding of land should have the entire control over all the animals upon the land that lived upon its produce. I have been very much disappointed in that. I expected that the farmers would have made greater progress in commercial principles than they have made. But I think the last election has shown that in one part of the island the farmers are beginning to comprehend not only their own interest, but what is almost of equal importance, the mode of promoting it—and that is to return Members for the counties who shall, at least, take as impartial a view of this question as is generally taken by the representatives of the towns. Some few years ago there was a great agricultural meeting in London. Half-a-dozen or more leading tenant-farmers from different parts of England called upon me to discuss the question of the Game Laws. I was not then taking any special interest in the question, but from what I had done before they called on me as a deputation, and discussed the question with me. I told them, as I told the farmers in 1845, that the question was in their own hands—that if they would make it a great question at all their county elections, they were sufficiently numerous to insist on a change in the law, and greater attention to their interests on the part of the representatives of this country. I recommended them to start a farmers' candidate in every county. County gentlemen are anxious to get into Parliament; they do not like opposition, and do not much like the expense of contests. And I argued with the farmers, and I think I showed them conclusively, that if they would in every county bring forward a tenant-farmer—a man who was in favour of their rights and interests, who objected to the Game Laws, who insisted on it that when a farmer took a farm he should have undisputed control over all the animals living on it; if they did that, whatever his politics on other questions, I thought they would find he would receive very large support, and I believed a greater number of the electors for the counties connected with the towns would be willing to give their support to such a candidate, and to help the farmers against what I conceived to be a very grievous injustice, which the law and the practice of country gentlemen now inflicted upon them. At this moment, I see in Scotland that which I hoped twenty years ago, is only now coming about. In Scotland at the last election—I may appeal to every one who knows anything of the representation of that part of Great Britain, whether it is not the fact that the Liberal candidates who offered themselves, not only on Liberal principles in politics, but on Liberal principles in regard to this particular question, had a very great advantage over their opponents; and I venture to say that probably there is no Scotch Member for any county who would feel himself safe to go back to his constituency if he gave a vote in opposition to the proposition now before the House. Well, Scotland leads in agriculture, and in all probability it will lead in the reformation of the laws which so much affect the interests of farmers. I have been very glad to see the course that the Scotch farmers have taken, apart from their sending Members to sit on this side of the House; and that those whom they have sent here come with some sense of their own interest, and not acting solely as if they were here to support in all respects the class interests of the country gentlemen, for it is monstrous to suppose that the interests of land and agriculture can be safely confided to the care only of the owners of land. The great body of persons connected with land, the tenant-farmers, are as ten or twenty to every landowner; and the tenant-farmers have not only a right to be heard here, but they must be heard here, if there be any fair representation of the interests of the land throughout the country. I hold now the opinion I held twenty years ago, and it is now stronger than ever, that the practice of preserving game, as it exists in this country, is one wholly opposed to the true interests of the people—that it does demoralize the labouring classes to a great extent—that it does cause a vast destruction of what otherwise would be human food, and makes the occupation of a tenant-farmer much more precarious and much less profitable than it would otherwise be. And what is more than all this, it degrades the tenant-farmer by the position he occupies under these laws, watched, annoyed, and irritated by the law and by the gamekeepers whom the owner employs. He is degraded under this system and cannot have that self-respect which a person in his position ought to have. I maintain that the Game Laws are bad in every way; and in a populous country like this, where you have a vast population with almost no property, it is a monstrous and incredible evil that there should be thus placed in their way temptations like these to lead them into breaking the law and into all the consequences that must necessarily follow from breaking the law. I am exceedingly glad this Motion has been made, and that this Committee is about to be appointed. I believe the result of it may be — probably will be—that whatever there is of opinion in Scotland not gathered up on this question will be gathered up into a more firm phalanx, and that we shall find the Members for Scotland insisting that, as regards their country, these evils shall be to some considerable extent remedied; and perhaps, if once remedied in Scotland, we may find the example may extend to England, and that ultimately, from the Motion to-night and the inquiry about to be made, we shall have at least some chance of lessening, if not wholly remedying, laws which I believe to be a great discredit to our civilization and a great evil to almost every class of our people.

Mr. LIDDELL regretted the course which this discussion had taken. The real question was the appointment of a Select Committee of Inquiry into the operation of the Scotch Game Laws, and it was most desirable that they should follow the admirable advice of the Lord Advocate, who told the House, wisely and prudently, that the question involved many matters of the most difficult and delicate kind. He therefore hoped, notwithstanding the inflammatory language he had heard to-night, that the inquiry would be conducted in a calm, impartial, and judicial spirit. If there were objections to the Game Laws, let them be stated. He believed those evils were very much exaggerated. It was not the Game Laws themselves but the abuses of the Game Laws that were the cause of complaint. There was such a love of sport innate in Englishmen that public feeling required laws to protect the wild animals that furnished such sport; and if they encouraged wholesale depredation and trespass by abolishing those laws, the rural population must be demoralized to a very great extent. He reminded the House that if they abolished the Game Laws they must have a new and much more stringent Law of Trespass.

Mr. NEWDEGATE wished to remind the right hon. Member for Birmingham that the recommendations which he made in the Committee of 1845 were widely circulated through the Midland counties during the last election, and he was therefore repeatedly called upon to discuss them with the farmers in his county. The ground he took was this—The right hon. Gentleman said they were degraded by the present state of the law. He was now a Member of the Government, and if the Government would bring in an improvement on the last Game Act for England, in passing which he had himself taken an active part, he should be most happy. But he recommended them to go to the President of the Board of Trade, and ask him to embody his views in a Bill, and not to continue circulating calumnies against game preserving, and deprecating the state of law which existed without committing himself to some principle for its amendment. They asked him could he suggest any improvement in the present law? He said it had rendered game as nearly property as it could be. He did not see his way to any further progress in that direction at present, and unless they and the President of the Board of Trade assisted, they must be content to wait till the right hon. Gentleman embodied his views in something like a tangible shape.

Mr. MUNTZ said, he had calculated the damage done to the crops by hares and rabbits as not less than 1,000,000 bags of wheat a year. They not only did mischief to game preservers, but to their neighbours, because they could not be exterminated by the parties who were often the principal sufferers. Why should they not make a law that hares and rabbits should not be considered as game? They were unwholesome and unfit for human food, as they might find in "Leviticus," and he had known a whole family poisoned by eating rabbits. [*A laugh.*] It was well known that rabbits had a power of communicating poison. The bird, on the other hand, did no harm whatever to the farmer; and though hare shooting was a disgrace to any one, as a matter of skill, there was skill and sport in bird shooting in every other way than that of driving them up into a corner and shooting them like barn-door fowls. One great defect of the present law was that the magistrates had no power of commuting any fine that might be inflicted, and it happened that if a child were fined 1*s.* the costs were sometimes 12*s.* 6*d.*, which was far more than his father, if an agricultural labourer, could pay.

Colonel BRISE said, that the President of the Board of Trade, in the preface to his speeches, stated that the remedy for the abuses of the Game Laws was in the hands of the farmers, and that they had nothing to do but to send representatives to that House to express their opinions. He could assure the right hon. Gentleman that the farmers were not indisposed to see a moderate quantity of game. Many of them were as fond of sporting as any Member of that House. What they disliked was the abuse of the Game Laws, and they had at the last election sent Members to represent them who would carry out their views as far as possible; but not to sanction any interference with the rights of property, or the extravagant measures recommended by some hon. Members on the opposite side of the House.

Motion *agreed to.*

Select Committee *appointed,* "to inquire into the operation and effect of the Laws in Scotland relating to Game."—(*Mr. Loch.*)

THE O'FARRELL PAPERS.

ORDER [6th APRIL] DISCHARGED.

Order [6th April] for presenting Address for Return relative to O'Farrell's crime read.

MR. MONSELL, in moving, pursuant to notice that the Order [6th April] for presenting Address for Return relative to O'Farrell's crime be read, and discharged, said it was with great pain he was obliged to make this Motion. The fact of there being strong political differences between the hon. Member for North Warwickshire (Mr. Newdegate) and himself would only make him desirous to avoid even the appearance of discourtesy towards him. The subject-matter of the Papers to which the Order referred might be described in a few words. They consisted of certain documents moved for by Mr. Parkes the Colonial Secretary of New South Wales, and in accordance with that Motion they were laid on the table of the Assembly, and printed and circulated throughout the colony. It was natural for the Government to suppose that these documents were not likely to contain anything undesirable to be presented to the House of Commons, and, therefore, when the hon. Member (Mr. Newdegate) asked him whether there was any objection to present them, he said "Certainly not." Accordingly the hon. Member moved for them and they were ordered to be presented to the House as an unopposed Return. But when these documents came to be looked into it was found that the matter in them, no less than the way in which they were obtained, made it undesirable that the House should identify itself with their production. This was no question of publicity being given to the documents, because that had been given already. The question was, whether it was right or wrong that the House of Commons should indentify itself with their production. The principal document contained an account of certain conversations which took place between the prisoner O'Farrell when lying under sentence of death in his condemned cell, and Mr. Parkes. Those conversations were taken down by a shorthand writer, of whose presence the prisoner, he believed, was not aware, If such a circumstance had occurred in this country, and if any Minister of the Crown had taken such a course, would the House of Commons give its sanction to such a proceeding, or to the publication of any information so obtained? The Papers which had been moved for contained matters which, in the opinion of Her Majesty's Government, it would be contrary to their duty as Ministers of the Crown to be parties to laying before the House. He made this statement, not merely in the name of the Colonial Office—not merely in the name of Earl Granville — but in the name of the whole Government, who had deliberately considered the matter; and he now distinctly stated, on their responsibility, that it would be improper for the House of Commons to identify itself with the publication of these documents. He thought it only fair to the Colonial Legislature—on whose proceedings his remarks might be supposed to cast some reflection—to explain the way in which these documents were presented to that Assembly. Her Majesty's Government had, of course, no control over that Assembly, which was perfectly free to take its own course, and which would, no doubt, resent any interference on their part with its proceedings. When Mr. Parkes went out of Office he left these Papers sealed up in a parcel. Through the intervention of some Member of the new Government he got back those Papers, and gave notice of his intention to present them to the Assembly, not as a Minister of the Crown, but as a private individual. When the time for the Motion had arrived he was absent from the House, though the Prime Minister of the day was present to oppose it; and when the Prime Minister had left Mr. Parkes returned and moved that the Papers be printed. They were printed, and the result was a series of serious political discussions. Under these circumstance he should, without any further remarks, move that the Order of 6th April, for presenting Address for Return relating to O'Farrell's crime be read and discharged.

Mr. NEWDEGATE*: Mr. Speaker, I think the House has a right to feel surprise that the right hon. Gentleman, who has just addressed us as the representative of Her Majesty's Government, should have consented to present these Papers on the 19th of March, when I asked whether he was willing to do so. I put the Question on the Order of going in Committee of Supply, and I was not careless as to the manner in which I invited the Government and this House to consider the matter. I have here a record of what I did. On the 18th of March I placed a Notice on the Paper that I should ask Her Majesty's Government, through their representative in this House connected with the Colonial Office, whether they would lay these Papers on the table of the House, and I privately communicated to the right hon. Gentleman afterwards the very day upon which these Papers were ordered to be printed by the Legislature of Australia. I told him that it was on the 13th of December; and I requested that the Minute of Mr. Parkes, which accompanied the Papers and explained them, should also be presented to this House. In fact, my Question completely covered the whole notice upon which the Legislature of Australia voted for the production of the Papers. I did not put my Question without a statement in this House of my reasons for asking that this information should be produced. I stated that these Papers contained a more accurate description of the Fenian organization in this country, and of the objects of that organization than is to be found anywhere else, together with an assertion of the fact that the "warrant," as it was called, of the "Fenian Government," as it is termed, was sent out of this country for the "execution," as it is described, of the Duke of Edinburgh. I had stated all this in my place in this House, that the House might know exactly what it was for which I was asking, and why I asked it. I said further that it was necessary and desirable that the magistracy throughout the country, liable as they had been to such surprises as that of the meditated attack upon the Castle of Chester, should understand the nature and character of the organization, to which they may find themselves opposed. I have studied these Papers very carefully, and I think it is desirable, in the interest of the public, that they too should know precisely what Fenianism is, and what it means; that they should know precisely the sort of organization to which they are exposed, and that they should know precisely the kind of agents with which they have to cope. Well, Sir, the right hon. Gentleman has stated that these Papers contain matter which Her Majesty's Government consider ought not to be laid before Parliament; while he admits the fact that they have already been published. Is it not mere affectation on the part of the House of Commons to pretend to ignore matter which has been circulated throughout the whole of the Australian colonies, and published in the newspapers here? Why, Sir, this proceeding on the part of Her Majesty's Minister appears to me to be no less discourteous to the House of Commons than futile for any purpose, if that purpose is concealment of any objectionable matter these Papers may contain, because, if such matter is contained in the Papers which ought to be suppressed, why did not the Government know of the existence of this matter before they answered my Question on the 19th of March, when the right hon. Gentleman, rising from his seat close to the Prime Minister, who had just spoken, replied that he should present these Papers "with the greatest pleasure?" What is the House to understand from that? And now, having heard the statement of the right hon. Gentleman, what, I ask, is the light which has fallen upon the Government which they ought not to have possessed before his first answer was given? Are we to understand that the Government answered the Question without really knowing what these Papers contained? I had no intention of taking the Government by surprise. The Government need only have requested me to defer my Notice until the Order for Supply in the following week, and I would have done so with the greatest pleasure. But no; there was not one word of warning. They gave their full and unqualified consent; and inquiries in private have convinced me that when they did that they were in full possession of the information, and knew exactly what I was asking for. When I put my Question the House was a full one. It is quite true that the Prime Minister was urging the House to pass to the Irish Church Bill; when is he not? Still, in a full House, I was heard, was met with an expression of assent, and the Government consented to produce the Papers with the full knowledge, I believe, of every statement they contain. Having been the humble organ of the House thus far, after nearly three weeks, on the 2nd of April I asked when we were to have the Papers presented, for I intended to call the attention of the House to some matters connected with them, and the right hon. Gentleman stated, as I find him reported here, that he would not present them, but that I might move for them, and the Government would consent to their production. Sir, I could scarcely believe my ears. I repeated the Question—"Does the Government, after the lapse of three weeks, and without reason assigned, mean to retract their promise to present these Papers?" In reply, I was told that that was the case. I intended to have asked a further Question on Supply, it being a Friday night, had not other matters detained the House until very late. So, taking the advice of the Government, I gave notice on the 5th of April for the production of the Papers on the following day, and on that day the Question was put by you, Sir, distinctly from the Chair, and agreed to by the House. There had been an error in the form in which the Notice was printed. I corrected it; you read the Notice as corrected from the Chair, and with the full consent of the House and of the Government the Order was made. That was on the 6th of April. Time went on, but the Address produced no Return; no explanation was offered. Thinking, then, that the right hon. Gentleman might not perhaps have correctly represented the views of the Government, I asked the Prime Minister himself when these Papers would be placed in the hands of Members. Twice—distinctly twice — at an interval of more than a fortnight, had the Government consented to produce the Papers to the House, and then the right hon. Gentleman suddenly discovers the objections which have just been stated by the Under Secretary for the Colonies, though not so distinctly as the right hon. Gentleman has now stated them. And these objections are that the Papers contain matter which is objectionable, and which, owing to the manner of its acquisition by the Colonial Government, he was of opinion ought not to be in the hands of the House of Commons. Now, if there was any blame resting upon the Colonial Government for the manner in which that information was obtained, where is the sense of visiting upon the House of Commons, by keeping them in ignorance of the contents of these Papers, a fault committed by the Colonial Secretary in Australia? I think, Sir, that no satisfactory answer can be given to that question; and, having myself perused those Papers, I am confident of this, that whether O'Farrell knew or did not know that a reporter was taking down his words, he would not have altered a syllable had he known it; because it is evident to everyone who reads these Papers, as I have done, and they are Papers of a most interesting description, that that unhappy man, having been bound by oath and under fear of his life to commit this crime of attempting to assassinate the Duke of Edinburgh, after he found that the people of Australia would have saved the law the trouble of executing him, so enraged were they; after he found that there was no sympathy in the colony with the act he had perpetrated; after he found that all around him joined in condemning the act, to which he had been forced under fear for his life, the unhappy man endeavoured in every way to compensate for the crime he had committed. He rejoiced that the Duke of Edinburgh was likely to recover. He gave the authorities a useful warning when he was informed by the Colonial Secretary that the Duke of Edinburgh would go to New Zealand, that the Duke ought not to go thither. This man, induced and forced into the commission of his crime, repented, and endeavoured to make the only reparation in his power to the individual whom he had injured and to the society, which he had outraged; and yet he was faithful to his oath, and he must have been a man of considerable ability, for not by one single word did he betray the names or whereabouts of any of those whose names he had sworn to keep secret. These Papers contain O'Farrell's warning to England; for he must have known whom he was speaking to when he gave the Colonial Secretary all this information. Through the Colonial Secretary of Australia he warned England, and I wish that warning to reach England, but Her Majesty's Government interposes to withhold it. I had another reason for asking that these Papers should be produced. Information has been circulated with reference to what was supposed to be the last confession of this unhappy man. I find in the Australian papers, and principally in the Roman Catholic papers, which copied it from the *Sydney Herald*, a Paper written or supposed to have been written by O'Farrell the night before his execution, and which was to be delivered to Mr. Parkes but not opened until after his death. Now, of all the singular circumstances connected with this case, this, I think, is the most singular. The day after the execution of O'Farrell this Paper was asked for in the Australian Parliament, but Mr. Parkes refused to produce it. Next day it was asked for again, and was again refused, and then I find in the *Weekly Register* that some Member of the Australian Legislature, whose name is not given, produced a copy, and that copy was transmitted to this country, circulated through the newspapers, and has even found its way into works of reference. For in that very useful work, lately published, called *The Annals of Our Time*, I find the greater part of this document. Now, why do I advert to this? Because the most important particulars of the statements made by O'Farrell to the Colonial Secretary, to the principal warder of the gaol, and to the chief of the police, as well as alluded to in the leaves of his diary, which was found amongst his luggage, are contradicted by the Paper which has been circulated in this country as his last confession. With the permission of the House, I will read a few words from that Paper; for this is not a question as to whether information derived from O'Farrell shall be circulated for the first time, but the question is shall the erroneous publication, which has been thrust upon the English people, be corrected. The *Weekly Register*, in alluding to the trial, says that the evidence of O'Farrell's insanity perfectly failed, and that there was clear proof of most deliberate preparation for this crime—then comes this document, from which I will read some passages. O'Farrell says—

> "From the very bottom of my heart do I grieve for what I have done. I have hitherto said that I was one of many who were proposed to do the deed had I not done it. I had not the slightest foundation for such a statement. I was never connected with any man or any body of men who had for their object the taking of the life of the Duke of Edinburgh. Neither was I in any other than an indirect manner connected with any organization in Ireland or elsewhere which is known by the name of the Fenian organization. I wish, moreover, distinctly to assert that there was not a single human being in existence who had the slightest idea of the object I had in view when I meditated upon and, through the merciful providence of God, failed in carrying into effect the death of the Duke of Edinburgh. I have written to the printers of two Irish periodicals an address to the people of Ireland. So certain was I of the death of the Duke of Edinburgh that I stated therein that which I believed to be the fact, and I think I had more than implied, that I was but one of an organization to carry the same into effect. I need but say that the truth of the latter portion rests upon a slighter foundation than the former; in fact, that unless from mere heresay, I had no foundation for stating that there was a Fenian organization in New South Wales."

Now, Sir, that is a most extraordinary document—it is evasive; because he had previously stated that the ten men who were the executive appointed to assassinate the Duke of Edinburgh were sent out to New South Wales, and all but one had left the colony before the crime was attempted—all but one; and that one man O'Farrell stated was left behind to see that he did his work, and he had not a doubt to murder him if he failed to do his work. Of that man O'Farrell said—"I bear him not the least ill-will—he was appointed to that work." I have these documents here, and although I trust the House will not be induced to assent to what I must call this disrespectful proposal to rescind the Order it has made, I will read some passages to the House to show how little the document circulated in England, and to which I have referred, bears the impress of the truth. And, first I will read a part of the Minute of Mr. Parkes; but here let me observe that during the General Election Mr. Parkes appeared to have suffered from his refusal to produce this Paper, written by, or purporting to be written, by O'Farrell the day previous to his execution, and which I believe to be evasive and incorrect. It was in self-vindication against the attacks of adversaries that Mr. Parkes appears to have come down to the House of Assembly, and to have moved for the production of the Papers for which I have moved. There was nothing underhand in this proceeding. Any man who reads the papers must see that as Colonial Secretary he did his duty. When a document was placed in his hands which was diametrically opposed to the evidence that he had been at the pains of collecting he would be no party to the dissemination of that which he considered an imposition; yet there were those in the colony who assailed him for that refusal. In justice to Mr. Parkes I will read to the House a few words from his statement; and I must say that, considering there was already in his hands direct evidence that one of the party of Fenians had been murdered by his accomplices; or, at least, there was presumptive evidence of such a murder, he was perfectly justified in seeking to ascertain whether this murderous band of nine remained in the colony, and whether any traces of the murder which he had reason to believe had been committed were to be found. In the diary or documents taken from O'Farrell's luggage there is this passage—

> "There was a Judas in the twelve; in our band there was a No. 3 as bad; but his horrible death will, I trust, be a warning to traitors. Such another, I am confident, is not amongst the nine. Oh, that I were with them."

It seems to me, therefore, that it was in the performance of his duty that Mr. Parkes, when he found O'Farrell willing and ready to give information, adopted means for having that information recorded; for O'Farrell had held a conversation with him, to which Mr. Parkes refers, before he called in the reporter. In his Minute Mr. Parkes says—

> "The substance of the prisoner's principal statement in the unreported conversations was that a 'warrant' came out from England to 'execute' the Prince; and that he and nine or ten others met in Sydney to consider the expediency of carrying out this warrant; that before entering upon the discussion they took an oath binding each individually to abide by the decision of the majority; that he (O'Farrell) spoke and voted against it, and that a majority decided to carry it out. It was next agreed that the executioner should be appointed by lot; but before drawing lots a second oath was taken, binding each individually to do the deed if the lot fell to him; and a third oath, binding each individually to take the life of the man to whom the lot fell if he failed to do it. The conversations which were subsequently written down consist naturally of fragmentary allusions to the fuller statement already made; but it will be seen that they are quite consistent with the prisoner's first account, which, to a great extent they repeat. The most striking circumstance, however, is that these voluntary statements of the prisoner in gaol, made at different times, and to different persons, derive confirmation in a remarkable degree from the entries made by him in his private journal, when he was at large and unsuspected—probably several weeks before the murder was attempted. In the course of his conversations O'Farrell made various incidental statements where his truthfulness could be tested, and in all these cases it was ascertained that he spoke the truth. It is inconceivable that he could have had any object which would be served by statements of the character here described. His language and manner after his arrest were precisely what might be expected in a man relieved, as he described himself to be, from the horrible obligation to commit a crime against which all the better feelings of his nature rebelled. It may be said that the report of the inspector-general of police was not called for by the Government. It is, therefore, the voluntary expression of opinion on the part of the head of the police, who must be supposed to possess the best means of forming an opinion on the subject. If O'Farrell's account is true, it will be seen that it would be next to impossible to discover his accomplices unless some one of them was prepared to sacrifice his life in the interest of justice."

O'Farrell distinctly stated that most of his accomplices had left the colony, and there is every reason to believe that they had returned to England, whence the order for the commission of this crime had issued. Under these circumstances, I, as a Member of this House, respectfully submitted to Her Majesty's Government that, as Fenianism was evidently alive, and as they were releasing Fenians, it would be well that a Fenian's description of this organization thus obtained, should be furnished to the Imperial Parliament, to the magistracy throughout the country, and for the information of the public generally. And is it not important, Sir, that those who are tempted to join the Fenians should understand that they join a band of men who are governed by a despotism which is enforced by the fear of death upon those who are once committed to its influence and control? I will now show the House the motive which lay at the root of the crime of O'Farrell. The principal warder of the gaol, at Sydney, said to him—

> "I suppose it (the order for the assassination) came out signed, sealed, and delivered with a big pound of wax on it, and green tape, of course?"

—to which O'Farrell replied—

> "It came to us all. It is the power of secresy, and the power of terror. There is never anything done but under the influence of fear."

Then follows an exact description of the objects. The Colonial Secretary asked whether the object of the Fenian organization was the establishment of a republic in Ireland alone, but O'Farrell replied—"No," and then he described how England was to be treated as part of a federal Republic, and how there were to be three States in Ireland, three in Scotland, and seven in England, all decided carefully; not merely on a basis of population but with some geographical considerations, and O'Farrell avowed that the object was to overthrow the monarchy, to destroy the dynasty, and to overturn the existing state of things in the United Kingdom. (*A movement on the Liberal Benches.*) Although hon. Members may think this to be a chimerical idea, still they must admit that it has a hold on these men's minds, or they would never submit to an organization which binds them under fear of death to the commision of murder. Sir, we have had experience enough at Manchester, Clerkenwell, and elsewhere, of the desperate enterprizes of which these men are capable. But I have heard it reported in the Lobby that the real reason why Her Majesty's Government decline to produce these Papers is that there are some passages in O'Farrell's statements as to Fenian opinions the publication of which would be disagreeable to the Royal Family. One report is that O'Farrell had quarrelled with the Duke of Edinburgh in an affair of gallantry. ["Oh, oh!"] Hon. Members cry, "Oh!" I am going to give O'Farrell's own contradiction of the statement. The principal warder said—

> "It is most extraordinary the reports that have circulated about this affair. It is said you had animosity against the Prince in consequence of an affair with some woman."

—["Oh, oh!"] Hon. Gentlemen say "Oh," but it is only fair to allow the man to give his contradiction. The prisoner said—

> "Those are the penny-a-liners' stories; they must make up something."

These stories of the "penny-a-liners" have been circulated in the Lobbies of the House to-day, with a view to inducing the House not to abide by its own Order. O'Farrell added—

> "There is something genial about him. He is a good-natured soul altogether. I voted against it, and argued against it."

Here, then, is a proof of the falsehood of the scandal against the Duke of Edinburgh, which has been circulated in O'Farrell's name. He says—"I voted against it and argued against it"—meaning the assassination; and I believe that he spoke the truth. But there is another portion of this document containing rumours which are said to be unfit for the attention of Parliament. I know that for months these "rumours" have been circulated throughout the country; to the effect that O'Farrell stated that the Fenians who planned the death of the Duke of Edinburgh had declared that they did not care about assassinating the Prince of Wales, because they thought he "would disgrace royalty." ["Oh, oh!"] Aye; but these things are circulated abroad, and I repeat that it is affectation—mere affectation on the part of this House to pretend to ignore them. Sir, these rumours may be very disagreeable to the Prince of Wales. But by whom are these rumours circulated? By men who are aiming openly at bringing the monarchy, his inheritance, to an end. They have attempted the life of his brother; who can doubt that they would willingly utter calumnies against the Prince of Wales himself? Why it is the most natural—I had almost said the more innocent—weapon of the two. It is one that for months and months, from other information, I have known that these men have used; and my anxious desire is that Parliament should call for those Papers, have them printed, and give every true and honest subject of Her Majesty the opportunity of reading these Fenian calumnies by the light of the attempt to murder the Duke of Edinburgh. That is my wish. Then, supposing you could enjoin secresy upon these Fenians and their advisers as to some act of the Prince of Wales which had better be concealed, would it, think you, be in safe keeping amongst these Fenians? I should not think it would be in very safe keeping with Dr. Manning, who fraternizes with them; but would it be in safe keeping with them? No, Sir; it were safer placarded all round the base of the statue of Charles I. at Charing Cross, than to leave it in their keeping. [*Laughter.*] Hon. Members may laugh; but you are asked to ignore facts which are already known throughout the country. And why? Because there are some passages in those

Papers in which the Fenians reflect upon the Prince of Wales! Was ever anything so shallow put forward as an excuse? I can quite understand that an influence has been exercised for the suppression of these Papers. I have read to the House portions of them which contradict the statement said to be O'Farrell's last and true confession, which has been widely circulated, circulated months ago, and which declares as upon O'Farrell's authority, that he had no accomplices, and that he was not a Fenian. Now, is it not strange that the same man who, day after day, willingly furnished the information which these Papers contain, and I have described to the House, should then sign a Paper contradicting the main points in his previous statements, including those which he appears to have made with the view of guarding others and society itself against the evil of which he had become the victim? Now, it happened that Archbishop Polding visited him for the first time on the Sunday prior to his execution; so did several Roman Catholic priests, and one a priest of his own name, O'Farrell. Up to that time he had refused to make any statement but those which he had made to the Colonial Secretary and the warder; and it was not until after the visit of the persons I have mentioned that the Paper was written which was not to be opened until after his death, and which Mr. Parkes refused to produce in the House of Assembly. I can easily conceive, therefore, that this unhappy man may, by spiritual influence, have been induced to sign a Paper in which, for the sake of shielding the Fenian organization, he qualified, up to the point of denying, everything which he had stated to Mr. Parkes, and all that the documents taken from him contained with respect to his connection with the Fenians and touching the Fenian organization. ["Hear, hear."] The hon. Members who cheer me have the Papers before them, and they are competent to form a judgment upon them. But I am reminded of an account which is given by Mr. Trench in that admirable work of his on the state of Ireland, entitled *Realities of Irish Life*. That work contains striking illustrations of the influence of the Roman Catholic priests over men condemned to death. Mr. Trench describes the facts connected with the imprisonment of a man who was lying under sentence of death for participation in a murder connected with the Ribbon system in Ireland. The name of this man was Hodgens. He had been known to Mr. Trench, who was persuaded that, if he could be induced to give information, the whole system of Ribbonism in his neighbourhood might be crushed. Accordingly, he succeeded in obtaining from the Lord Lieutenant a promise that if this man would give full information his life should be spared. The man entertained the proposal, and I will read what took place from Mr. Trench's book. His clerk was sent to the prisoner's cell to communicate this intelligence to him; that is, that his life would probably be spared, and, in answer to the request of the clerk, the prisoner said—

> "'Well, may be, I might as well tell it all out. Come to me to-morrow morning, and you shall have all I know; but Mr. Trench must come himself, as I will not trust anyone else. I must have it from his own lips, that my life will be surely spared!' 'You shall have it from himself,' replied the clerk; 'but why not to-night? he is waiting now to see you: let me call him now, and tell him all you have to say!' 'Not to-night,' said he—'not to-night; I am to see the priest in the morning, and I will say nothing to anyone till I see him.' 'Tell Mr. Trench all about it now,' entreated the clerk; 'let me call him this minute, may be it will be your last chance.' . . . 'I can't and I won't,' said Hodgens doggedly; 'I must see my clergy first, and there's no use in pressing me more.' At ten o'clock next morning my clerk obtained access to the condemned cell of the criminal. The first glance at the prisoner showed that a great change had taken place since the interview of the preceding day. . . he saw at a glance that Hodgens had made up his mind, and was at peace within himself. 'Well,' said the clerk, disguising his fears as well as he could, 'may I send for Mr. Trench, and will you tell him all you know about what we were talking of yesterday?' 'I will tell nothing,' returned Hodgens, calmly, and with a composed and resigned countenance. 'I will tell nothing either to Mr. Trench, or to anyone else. I have seen my priest, and I'm now prepared to die; and may be I would never be so well prepared again, so I am content to die, and there is no use in asking me any more. I will tell nothing except to them that has a right to know it; and who should that be but the priest? So now let me alone, for you will never get another word out of me. I am content to die for my country.' He calmly sat down, and remained in perfect silence, until the clerk, who had addressed him several times without effect, was compelled to leave the cell. What passed between the prisoner and the priest I know not, but Hodgens adhered to his determination, and his secret died with him.'"

Is there not a parallel between these two cases? Both these men had seen the priest; and whilst after having done so, one refused to give the information that would have saved his lifet—he other made a statement contradicting the evidence on which he was convicted, and the description he himself had furnished of the Fenian conspiracy and of the organization of this conspiracy against the dynasty and the Crown of England. This document, contradicted by such evidence as I have described to the House, has been widely circulated, and found its way even into books of reference. Ought not then such futile and squeamish objections, as have been stated on the part of Ministers, to give way to the great purpose of informing the people of England of the real nature of this Fenian organization, and of placing in the hands of the magistracy and of the Members of this House the means of judging of the machinations of these conspirators, and the means, as I also believe, in many cases of defeating them. These, Sir, are the considerations by which I have been actuated in suggesting to the House that it should require the publication of the documents, which have been already furnished to the Legislature of Australia; there being clear evidence that a centre of this conspiracy exists here in England, and that it is operative amongst us. For these reasons, I, for one, feel bound to assume that the consent of the Government and the Order of the House for the production of these Papers will not be trifled with.

Mr. DILKE desired to address a few words to the House, in the belief that hon. Members would like to hear a different version of facts which were, he thought, almost one and the same. It was the general belief of the people of Sydney at the time of the attempted assassination of the Duke of Edinburgh by O'Farrell that the prisoner was acting entirely alone, and that he was a man who had been led away by vanity to the commission of the crime. That opinion was not weakened when it was heard from day to day that the prisoner was making a confession, and that Mr. Parkes was seen daily to resort to his cell with a clerk and a shorthand writer. The feeling, indeed, became stronger every day, until at length it culminated in the loss of Office to Mr. Parkes. The hon. Member for North Warwickshire had not correctly stated what had taken place in the House of Assembly after O'Farrell's execution. Mr. Parkes, who was then the Colonial Secretary of New South Wales—a position that was somewhat analogous to our Home Secretary—said from his place in the Assembly, not that the prisoner had died without making a confession, but that he had made a second and most important confession. In reply to a Question addressed to him by a member of the Opposition, he said that that confession would in a few days be laid before the Assembly. Several days, however, elapsed, and as a confession was not produced, the Question was repeated. Mr. Parkes then stated that, on the whole, it was not thought advisable that the statement should be published. The hon. Member had quoted the chief of the Sydney police. [Mr. Newdegate: I beg pardon; I quoted the words of Mr. Parkes' Minute.] At all events, the hon. Gentleman used the words "chief of the police." It was the chief of the police who rose in his place and said he did not share in the delicacy of the Colonial Secretary; and that he did not feel that it was contrary to public policy that the second confession should be produced, and he then read the very confession of which a portion had been read that evening by the hon. Gentleman the Member for North Warwickshire. That confession was not written by O'Farrell himself, but it was vouched for by the priest who attended O'Farrell, in the presence of the Committee of the Assembly of New South Wales which was appointed to investigate the question. That Committee reported against the truth of the first confession. Anyone who read that first confession could see that the prisoner had a motive for making it. He had, first of all, the motive of vanity; and he had in the next place the motive of misleading Mr. Parkes, and thus avenging his supposed injury—an object in which he actually succeeded, because Mr. Parkes lost his Office in consequence of the discredit brought upon him by his credulity. The view taken of the matter in Sydney was that the prisoner had all along been making game of Mr. Parkes and of the Government. The fact was that not a tittle of evidence had ever been produced to show that Fenianism had found a resting place in New South Wales, although it was well known that it had extended to the West Coast of New Zealand. The statements in O'Farrell's first confession were considered utterly incredible in the colony, where they had been investigated on the spot, and he (Mr. Dilke) believed that a bad precedent would be established if such a document were circulated with the sanction of the House of Commons.

MR. WHALLEY said, he thought it extremely desirable that they should obtain every possible information upon that subject. The speech to which they had just listened was in itself a justification for the Motion of the hon. Member for North Warwickshire. The hon. Gentleman had stated that the confession had led to the expulson of Mr. Parkes and the Government from Office. There was nothing in Mr. Parkes's conduct that deserved that punishment, and the only interpretation of that statement could be that so much importance was attached to the suppression of this document by the Roman Catholic party that they at once organized an opposition to the Government and turned them out of Office. The argument of the hon. Member for Chelsea (Mr. Dilke) was in itself a confirmation of the necessity for the production of these Papers. He (Mr. Whalley) first called the attention of the House to the Fenian movement in 1862, and from time to time he adverted to it, but he was scarcely ever permitted by the House to state anything at all. In the course of three or four years, quite unexpectedly to the House, but not to himself, he was relieved of the duty of noticing the proceedings of the Fenians by their actions and the investigations which followed them. Fenianism, however, had received exceptional treatment in this respect, that the Government had endeavoured in every way to suppress inquiry and information about it. If the House had granted him a Committee he would have elicited the history of the organization; he would have exposed the knowledge and complicity of the Roman Catholic priesthood in America, and he would have shown that in this country and in Ireland it was co-extensive with Catholicism. He even offered, if he failed, never to trouble the House on the subject again; but the House would not grant him a Committee. Much of what he had said had been confirmed. But the Fenians were as quiet as mice now, because they were amenable to discipline as strict as any that prevailed in the army. Speaking of the army, the Roman Catholic soldiers in it, who were more or less under the direction of the priests, were as five to one; they had been increasing of late years; and it was a remarkable circumstance—the result of deliberate design somewhere—that the Roman Catholics were to be found strongest in the higher services, the Artillery and the Engineers. [Mr. NEWDEGATE: Oh, oh!] From communications with the authorities of the towns in the neighbourhood of his residence, he knew that they doubted the trustworthiness of the Roman Catholic police. If there were any truth in his suggestion that Fenian organization was based on the same principles as were the risings of the Roman Catholics, in 1798 and 1641, it was scarcely possible to over-rate the gravity of the question, and the urgent necessity for obtaining all available information. It was extremely difficult, in the absence of any sort of explanation from the Government, to conceive any substantial reason why the information in question should not be afforded. In New Zealand we had had wars and rebellions, and a few hundred natives had defeated the regular troops and the colonists; and in vain had he moved for the Reports of the Governor, Sir George Grey, who, in a speech reported in the New Zealand papers, had said he found that theRoman Catholic priesthood were at the bottom of the war, that they were organizing it, and that they and they alone were the cause of our troubles there. It was admitted by the hon. Member for Chelsea that there were Fenians in New Zealand, and it was due to our fellow-subjects there and elsewhere that we should obtain the fullest information as to the origin, nature, and present position of Fenianism.

MR. NEWDEGATE, in explanation, said, he had not read from the Report of the Committee spoken of by the hon. Member for Chelsea (Mr. Dilke), but hereafter he should ask for its production.

Question put, "That the said Order be discharged."—(*Mr. Monsell.*)

The House *divided*:—Ayes 123; Noes 15: Majority 108.

MILITIA AND RESERVE FORCES—SNIDER-ENFIELD RIFLES.

MOTION FOR RETURNS.

MAJOR WALKER, in rising to call attention to the fact that the greater part of the Militia and Militia Reserves of Great Britain are still unprovided with the Snider-Enfield Rifle; and to move a Resolution on the subject, said that he would not waste time by discussing the question whether or not the Militia should be supplied with breech-loading Snider and Enfield rifles, for after the experience of the Bohemian campaign he took it for granted that no British troops would ever be sent into action armed with the old-fashioned muzzle-loader. The only point to be decided was, whether or not it was practicable either now or shortly to place the Snider-Enfield rifles in the hands of the Militia and the Militia Reserve. He believed that he was not far from the fact when he said that, by the end of last March, 350,000 stand of old English muzzle-loading rifles were converted into Sniders. How, then, should those arms be disposed of? In the first place they should be assigned for the use of Her Majesty's regular Army. As these weapons were only fit for infantry, he should say that, putting aside cavalry, artillery, musicians, &c., 150,000 stand of the Snider-Enfield rifles would be sufficient to arm all the rank and file of the British Army. A certain portion would be required for Marines and the Navy, and he believed that, when the position of affairs in North America was less satisfactory than at present, it was thought desirable that a certain portion of these arms should be sent out to Canada. Calculating 50,000 for the Royal Marines and the Royal Navy, and 20,000 for the Canadian Militia, the total amount disposed of would be 220,000 stand of arms. It then became a question whether a portion of these arms might not be placed in the hands of the Militia and Militia Reserve. He should be told, no doubt, by the Secretary for War, that it was necessary that a large reserve of these weapons should be kept within reach in case of emergency; but would they not be within reach if placed in the hands of the Militia? If they were kept in the barracks and stores of the different regiments throughout England, they would be more available on an emergency than if they were massed together in some central depôt, and they would not be exposed to entire destruction by fire—a calamity, which befell almost the whole of the old stores in the Tower. He presumed that the reserve of weapons was desired for a case of emergency, when a large increase would be made in the regular Army. The means for that increase must proceed from the Militia, and if the Snider-Enfield rifles were distributed among them, there would, upon an emergency, be found the arms in readiness, and, in addition, the men to use them. As to the 3,700 men forming the Militia Reserve, the force was thought by some to be a failure; but he dissented entirely from that conclusion. The fact was that the conditions of the Militia Reserves were published so late last year that the men and officers had no time to satisfy themselves respecting the terms of service. The conditions had, however, been modified; suspicions had been, or would be, removed; and he had no doubt that in the course of this year the Militia Reserves would swell to 12,000 or 15,000 men. Under the present system, however, supposing an emergency to arise, you would have to draft them into the depôt companies, in order that these men might be taught the use of the breech-loading rifle; whereas, if his suggestion were adopted, they might go at once to swell the service companies. He hoped, therefore, that the Secretary of State would modify the system he had introduced. No doubt this could only now be done to a certain extent; but a large proportion of the English Militia, and a still larger proportion of the Scotch Militia, did not go into training till next month, and he hoped it would be found possible to issue the new arm to a certain proportion of those regiments. If the new arms were not issued to the regiments during their present training, he hoped that, at least, the Secretary of State would prevent the scandal of 70,000 or 80,000 men learning the use of a weapon which they never could be called on to use. The platoon exercise was the most difficult, the most intricate, and the most tiresome part of the soldier's instruction. At least one-fourth of the Militiaman's twenty-seven days of training must be set aside to make him a tolerable master of this antiquated exercise. Now, if it was impossible to arm the Militia with the new rifle, these 70,000 or 80,000 should, at any rate, not be forced to waste their time in learning that which would be as useless as if they were learning ornamental needlework, and it should be optional with the commanding officers to go through the platoon exercise or not. In conclusion, he acknowledged the efforts of the Secretary of State to raise the Militia force from its present discouraging position. He believed that the right hon. Gentleman was thoroughly in earnest in wishing to make the force efficient, and it was with that belief that he ventured to bring the subject under his notice.

Mr. COLLINS seconded the Motion. He concurred with the hon. and gallant Gentleman in the hope that as many Militia regiments as possible would be supplied with the new weapon.

Address for "Return of the number of the Snider Enfield Rifles converted, the number issued, and the number in store." — (*Major Walker.*)

Mr. CARDWELL said, that no one could desire more heartily than he did to see the Militia efficient in all respects, and particularly in the skilful use of an improved weapon. He had already stated what had been done with regard to the supply of Snider rifles to the Militia; and the reserve of Snider rifles was probably greater than was stated by the hon. and gallant Gentleman. But our position was this—It was very necessary that we should be always in possession of a sufficient reserve of the best weapon, because, of course, we never knew what emergency might arise. That remark did not apply particularly to the present time, because, fortunately, there never was a time when we need be less apprehensive; but it was a general maxim always to keep in store a sufficient reserve of the best weapon. At present the Snider rifle was, he believed, the best weapon with which any service in the world was armed; but they had also just received and circulated the Report of a most competent Committee, which recommended another rifle in substitution for the Snider rifle. It was necessary that a full trial should be made of the new Henry-Martini rifle before it was finally adopted. That trial was about to be made with as much rapidity as possible, but the machinery had to be altered, and some months must elapse before the new weapon would be ready in sufficiently large quantities to be tried in the regiments and in the different climates where it would be necessary to try it before its final adoption. Meanwhile it was manifestly not for the public interest to manufacture the Snider rifle more largely than they could help, because, although it was the best weapon in use in any service at present, yet we had in prospect the early adoption of a better weapon. These considerations forced the Government to be economical in the supply of the Sniders in store; but, nevertheless, they had not been forgetful of the desire to arm the Reserve forces with this rifle. At the beginning of the present year the Militia were only in possession of 7,422 of these rifles. That number he had already raised to 25,918; and this was quite irrespective of 11,000 issued to that portion of the Pensioners and second Army Reserve, who were going out for drill in the course of the present year. He thought that this showed an earnest desire to arm the Militia to an increased extent with the best weapons. Those Militia regiments had been chosen which either were going to encamp at Aldershot or Shorncliffe, or which had shown, during the last three years the greatest efficiency in target practice. This selection was intended as an encouragement to target practice, and instructions had been issued that increased attention should be paid throughout the Militia service to target practice. The hon. and gallant Member seemed to recommend that the Militia Reserve should especially be armed with the Snider rifle. As to the Militia Reserve, it was manifestly impossible to select it for the exclusive possession of the Snider, rifle on the ground on which so distinguished an officer as the hon. and gallant Gentleman would no doubt object to having any portion of a regiment under his command supplied with that weapon unless it were supplied to the whole. Such was the course which the Government had pursued. They had been desirous to maintain their reserve at the only point which prudence and considerations of usefulness would suggest with respect to a reserve meant to provide for a case of emergency. He had been very anxious to give an increased supply of the Snider rifle to Militia regiments, especially to those engaged in target practice, and he wished to encourage that practice throughout the force with a view to a more extensive distribution of rifles next year. He trusted, he might add, that, when a decision had been arrived at in regard to the Henry-Martini rifle, there would be an opportunity afforded of largely arming the whole force with a breech-loading weapon—a result which he looked forward to with as much interest as the hon. and gallant Gentleman could feel in the matter. As to the Return for which he moved, he should be very happy to produce it.

Major WALKER thanked the right hon. Gentleman for his courtesy, and said, he had only moved for Returns to put himself in form.

Motion *agreed to.*

Return *ordered.*

BEERHOUSES, &c., BILL.

(*Sir Henry Selwin-Ibbetson, Mr. Akroyd, Mr. Headlam.*)

SECOND READING. [BILL 22.]

Order for Second Reading read.

Sir HENRY SELWIN-IBBETSON, in moving that the Bill be now read the second time, observed that there had been a long struggle with growing intemperance on the one hand, and the attempts on the part of the Legislature to suppress it on the other. The hon. Baronet briefly referred to the Acts passed in the reign of Henry VI., in which he said the licensing system of the present day had its origin, and to the Act of 1828, which consolidated the previous Acts on the subject. Prior to 1830 licenses were granted by the Excise after a previous license had been granted by the magistrates, into which entered the question of the character of the individual to whom it was granted, the character of the house licensed, and the wants of the locality in which it was situated. In accordance, however, with the Act of 1830, beer-houses were licensed by officers of the Revenue, who might be supposed to be interested in creating as large a number of them as possible throughout the country, the only check being the insufficiency of the rateable value of the home of the applicant for a license, and the necessity of obtaining the certificates as to his character of six householders occupying houses of a certain rateable value. There was very little difficulty in obtaining the testimonial required, and the value had been frequently raised in a surreptitious manner. The result of the passing of a measure, which contained only those checks, was that drunkenness so greatly increased that a Committee of that House was appointed in 1834 to inquire into the subject. That Committee reported against the extension of beer-houses such as then existed, and, in 1839, Lord Brougham, who had been a strenuous supporter of the Bill of 1830, carried through the House of Lords a Bill for the repeal of the very measure of which he had been a few years before so warm an advocate, observing that the beer-houses were sowing the seeds, not of ignorance, but, what was ten times worse, of immorality broadcast through the land. Lord Brougham, moreover, protested against the question being made a party question; but, notwithstanding his warning, party differences were permitted to affect it and the Bill was thrown out in the House of Commons. The next step taken in connection with the subject was in 1850, when a Committee of that House reported that the beer which was sold was an inferior article, and that under the system which prevailed the morals and comforts of the poor were seriously impaired. No steps to remedy those evils were, however, taken in consequence of that Report, and, in 1853 and 1854, another Committee sat under the able presidency of the right hon. Gentleman the Member for Wolverhampton (Mr. C. P. Villiers) which, after an elaborate investigation of the whole question, reported in favour of uniformity of license; recommending that the distinction between beershops and public-houses, both as to the extent of the license and the manner in which it was granted, should be discontinued. The Committee further recommended that the licensing authority should be the same for all houses, and that authority should be magisterial. After two such Reports one would imagine that some action would have been taken in the matter, but it was not again dealt with until a Bill with respect to it was introduced by his right hon. Friend the Member for the University of Oxford (Mr. G. Hardy). That measure, which was in some respects similar to the present, met with considerable opposition. Some hon. Members argued that there ought to be no legislation on the subject, and that we must trust to improved education to remedy the evil; but the right hon. Member for Morpeth (Sir George Grey) promised on the part of the Government that, if the Bill were withdrawn, another on the same subject should be matured in the approaching Recess. Eventually his right hon. Friend was beaten by a small majority, but no Bill was introduced by the Government in the following year. The right hon. Baronet the Member for Tamworth (Sir Robert Peel) next brought in a measure relating to Ireland, and this was followed, in 1867, by the Bill of his hon. Friend the Member for Liverpool (Mr. Graves). Some people had advocated entire freedom of the liquor trade as a means of meeting the difficulty, and, in 1862, the Liverpool magistrates adopted this plan and licensed every person who could produce certain certificates of character. The system was tried for four years, at the end of which period Liverpool was pre-eminent for drunkenness and crime in proportion to its population over every other seaport in the country. A petition was then got up, which was signed by a great number of medical men, and 31,000 of the inhabitants, and the magistrates on inquiry found that a much smaller number of beer-houses were necessary, and only licensed twenty-two. The history of the past condemned the system established in 1830. It had been proved that that system had covered the country with a class of public-houses which had tended to promote drunkenness, crime, and profligacy. The facts which were brought to light at the present day condemned the system no less emphatically. Three-fourths of the criminals who were brought before justices of the peace attributed their first step in crime to beer-houses and the associates they had met there. The Judges, in their charges, told the same story, which was repeated in the presentments made by grand juries during the last few months. From the boroughs more than 100 mayors, writing in the names of the corporations, had expressed opinions in favour of the Bill, and the chief constables of Halifax, Blackburn, Leeds, and upwards of seventy places, and the superintendents of police of numberless towns were unanimous in their condemnation of the present beer-house system. He might also refer to two letters which appeared lately in the leading journal on the "Haunts of Crime." They were written by a man who thoroughly understood what he was about, and who, in company with the police, visited a number of beer-houses which were the haunts of habitual criminals. He found letters came pouring in not only from magistrates and clergymen, but from tradesmen and every other class of the community, against that system. He had a letter the other day from a magistrate in the county which he had the honour to represent, stating that it had just been brought to his notice that a man, who had been convicted at quarter sessions of larceny, and who had previously held a public-house license, had taken out a beer-house license under the Excise, and that his house was now an established haunt of bad characters. If time permitted, he could multiply testimony of the same kind. Statistics showed that the convictions in all the counties were 1 in 29 of public-houses, and 1 in 12 of beer-houses; in all the boroughs, 1 in 20 of public-houses, and 1 in 7½ of beer-houses. He maintained that the evidence of facts, both present and past, alike condemned the system established in 1830. That evidence pointed, he thought, to uniformity of authority in the licensing of all houses of that description; also pointed in the direction of uniform magisterial control, and increased police supervision; and also indicated the necessity for an attempt to strengthen the law by giving greater facilities for the conviction of those who violated it. All those points, he believed, would be met by the adoption of that Bill. He had divided the licenses into two classes. The first class related to sale of these articles over the counter, but not to be consumed on the premises. For that first branch of the trade he had made the facilities as great as he could; but a different course ought to be pursued in regard to the consumption of these liquors in what was falsely called the poor man's club. When they knew that the unrestricted increase of the number of those places increased the adulteration of the articles consumed in them, and that the customer was expected to drink not only what he required but also for the good of the house, then it was justifiable to say that their number ought to be reduced within the limits of the wants of the country. He tried by his Bill to encourage the class of houses licensed to sell beer, but not for consumption on the premises; and, in order to check the evasion of the conditions of such licenses, he had sought by a clause to strengthen the power of conviction, while in another clause he had extended the power of the police to all beer-houses. He would likewise render the customer liable to a penalty when he forced the landlord to infringe the law; and, again, by doing away with what was called the limitation as to convictions, the keeper of the house would not only have additional motives for being careful how he carried out his license, but it would also be made the interest of the owner of the house to see that he had a proper tenant. It had been objected that, as the Bill now stood, three past transgressions might be brought forward against any man, and that he would thus be prevented from taking out a license; but it was not his intention to make that legislation retrospective, but prospective. He might be told that so grave and important a question ought not to be dealt with by a private Member, but should be left in the hands of the Government. Now, he felt very strongly not only that legislation, but that immediate legislation on that subject was necessary; and, before placing his Bill on the table, he had done everything he could to ascertain whether the Government intended to take the question up this Session; and it was only after learning that, although they would probably grapple with the subject in a future Session, they did not mean to attempt to do so now, that he had ventured, as a private Member, to propose that measure. Speaking of the probability of future legislation to be initiated by the Government, he would remind the House that, in 1857, they had a direct promise from the then Home Secretary of a Liberal Government, which was supposed to be a strong Government, that they would consider that question in the course of the Recess, and deal with it completely in the following Session. Well, the following Session came, but from accidental circumstances nothing was done in the matter; and so they had gone on for twelve years without arriving at any practical result. He did not wish to imply any doubt of the sincerity of the present Government's intention to take up the question in another year; but next Session, even though the Irish Church Bill might then be out of the way, other grave matters—for example, the Irish land question—might interfere with the fulfilment of their intention. And, therefore, he thought his Bill would be useful in the meantime in checking evils which would be assuming more and more gigantic proportions, while the Government measure might be undergoing preparation. His Bill—even if it were but a temporary stopgap—would not interfere with the future legislation which might be introduced by the Government. He went further, and said that it would assist them in their future legislation; because if, unfortunately, his Bill did not now pass, and if the Government intended to bring in a measure of their own next year, a vast number of new beer-houses would be opened, and a great many fresh vested interests thus created between this time and the next Session. He had to thank the House for the patient indulgence with which they had heard him. From a sad and mournful cause he had not been able to pay the subject the attention which he should have wished, but he felt that this question was one of such deep and vital importance that it must make its way. The evil was an old and long-standing one, and the country was thoroughly roused upon the subject. Over 800 Petitions, signed by every class in the community, had been presented, all calling loudly for a remedy; and it was because he believed that the Bill would afford that remedy, would tend to diminish the evils of which they complained, would increase morality and diminish crime throughout the country, that he ventured to recommend it to the consideration of the House. He begged to move that the Bill be read a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir Henry Selwin-Ibbetson.*)

Mr. HENLEY said, he had listened with great interest to the speech of the hon. Baronet, and there was no one who would go further in any step to check drunkenness — which was an evil apparent, above almost all the evils of the country. But he could not jump to the conclusion which the hon. Baronet had come to—that this particular system of licensing had been the cause of all the mischief which he seemed to throw upon its shoulders. A mighty agitation had come upon us from Lancashire; an agitation that had swept through the whole of the West Riding of Yorkshire—that had diffused itself through the whole kingdom—and had finally culminated in a meeting at St. James's Hall, with an Archbishop at its head. Now, he was in favour of the object they had in view. He had looked as carefully as he could into all that had been said on the subject, and he found this to be the main burden of the song—that drunkenness is a great evil, that beer makes people drunk, that beer-houses sell beer, and, therefore, beer-houses are a great evil. That was the clear logical deduction which was the burden of the song throughout, and therefore he had turned his attention to see whether, as unfortunately he was an old man, the evils had or had not increased in the country since this system had been enforced. Every one would allow that was a material point to consider. Now, he should hardly be surprised that some of those Gentlemen who, like himself, were alive many years before this change of the law had occurred, should turn in their graves in wonder, considering the abuse that was heaped upon them for the part they had taken with respect to the horrible shame of those restrictions in licensing. There was no sort of abuse that the English language supplied—and it was not very barren in terms of that kind—which was not applied to "the unpaid" for the way in which they executed their office in this matter. Well, he had lived to see a great change of opinion come round. He knew only one thing like it, and that was the present condition of Manchester and India with regard to cotton. In his early life Manchester did all she could to injure the cotton of India by means of high and differential duties, and now she did everything to make India grow cotton for her, except to carry her own money to India for that purpose. It seemed as if a sort of retributive justice had come upon both parties in these two cases. He admitted that the object of the beer-house legislation had utterly failed. That legislation was promoted for three purposes; one was to break up the brewing monopoly, just about the time of taking off the duty upon beer; the next was because it was supposed these houses would brew their own beer; and the third was to discourage the use of spirits. Well, there was the brewing monopoly still—these houses did not brew their own beer; and the use of spirits had increased relatively, while that of beer had rather decreased. That appeared from official Returns. Then came the question they had to consider—namely, whether, generally speaking, drunkenness had increased or decreased under the system. He had no doubt it had decreased everywhere with the exception of a very few places, and the largest of those places was Lancashire. Lancashire was at the head of all things, and in the case of drunkenness it did stand very prominent. Now, he would tell the hon. Baronet at once that he was not going to oppose the Bill. He would leave the matter to the discretion of the Government. This was part of a very large question; and if the Government thought it right that this measure should pass, he was not the person to oppose it. But he would leave the responsibility with the Government. He would, however, state a few facts in proof of what he had stated, and then he should follow the course which the Government, with full information before them, would think it their duty to take. Drunkenness was the parent of crime; and, if they did not do what they could to get rid of it, they would fail in their duty to the country. He had said that the beer-houses had not succeeded in diminishing the use of spirits, and he would state what had brought him to that conclusion. A Parliamentary Paper was issued in 1868, according to which, he found that in 1800, when the population was a little more than 9,000,800, the consumption of spirits—colonial, foreign, and home—was about 7,994,572 gallons; so that about thirty years before the passing of the Beerhouse Bill the consumption of spirits was something less than a gallon per head of the population. The quantity of malt consumed in 1801 was over 18,000,000 bushels, or, in other words, as nearly as possible two bushels of malt per head. In 1831, the population then being very nearly 14,000,000, the consumption of spirits of all kinds was 12,131,000 gallons; therefore, it was still somewhat below a gallon per head; whereas the consumption of malt had increased to 32,963,470 bushels, or nearly two bushels and one-third per head of the population. About the year 1830, therefore, the consumption of spirits had somewhat diminished, while that of malt had increased. At least they might presume that it had, because there was a general belief—he did not know whether true or not—that malt was more or less used by brewers in the brewing of beer. Well, in 1867, according to the Registrar General's Return of the preceding year, the population was 21,400,000, and the consumption of spirits was 18,487,000 gallons—still keeping below a gallon per head; but the consumption of malt had decreased in proportion to 43,158,000 bushels, being at the rate of only two bushels per head of the population. It appeared, therefore, that the consumption of beer was higher at the time the Beerhouses Bill passed than it had been since; and unless the brewers had got rid of malt in brewing beer, the consumption of beer relatively to the population could not have increased. The next point to which he would call attention was that, in the year 1853, the late Mr. Hume obtained a Return of the drunkenness of the people of England, which extended from 1841 to 1851. In ninety out of 102 towns of 10,000 inhabitants or more, to which the official Returns referred, it appeared that 75,000 persons had been taken up for drunkenness in 1841, the population of England then being 16,000,000. In 1851 ninety-four of the same towns made Returns, and it appeared that the drunkenness had decreased to 70,000, the population meanwhile having risen to 18,000,000. He had taken the trouble of making out from the Judicial Statistics for 1867 that in these ninety-four towns drunkenness had decreased to 59,000, while the population of England had risen to 21,000,000. It was, of course, quite possible that, under another state of things, a better condition of the people might have existed; but still, taking things as they were, the condition of the people shown by these figures was not unsatisfactory, indicating as it did a turn in our favour. In the metropolis the change was quite as marked, and probably even more so; for there the administration of the police had been in one and the same hand, whereas, in other localities, changes, no doubt, had frequently occurred. At the earlier date, the population of the metropolis being then 2,000,000, upwards of 30,000 persons were apprehended for drunkenness; at the later date, the population in the police district having grown to 3,000,000, there were but 16,000 persons apprehended. He was unable to give the exact population in 1867, because the Returns were based on the Census of 1861. In Lancashire, from which county the demand for this Motion mainly came, the figures unfortunately indicated that some special causes were at work. In Lancashire, in 1861, the persons apprehended for drunkenness were 23,900 in number; but in 1867—only six years later — that number had increased to 35,800; while over the whole of England except Lancashire, there were about 64,000 cases, a state of things of which but for the official Returns they could hardly credit. What did these figures show? Why, that in England, with the exception of Lancashire, the persons apprehended for drunkenness were at the rate of 1 in every 302 persons, while in Lancashire they were at the rate of 1 in every 65 persons. Deducting those under fifteen years age, who could scarcely be supposed to be guilty of the crime of drunkenness, it would leave 1 person in every 44 taken up for that offence. Liverpool had hitherto been king in the matter of drunkenness, but last year Manchester, that ambitious town, had run ahead. One might have thought that Lancashire, being a very busy county, other counties similarly circumstanced would exhibit similar features as regarded the extent of drunkenness. An alteration in the law took place in 1861. Drunken people used to be fined 5*s*., or placed in the stocks; but in that year the fine was increased to 40*s*., or seven days' imprisonment. The West Riding of Yorkshire, with a population of 1,500,000, had 6,000 cases of drunkenness in 1861, and in 1867 but 6,063. Hence drunkenness had not progressed in Yorkshire as it had done in Lancashire, and it showed that there must be some governing influence apart from the occupations of the people, or even from the existence of beer-houses, for these were frequent in the West Riding and also in Birmingham, where drunkenness, thank God! was very limited in amount. In Leeds, 353 persons were apprehended for drunkenness in 1841, and in 1867 that number had grown to 1,340; beer-houses in Leeds being at the rate of 1 to 318 of the population. From the election inquiries, one would have thought that Bradford, a town close to Leeds, was not a particularly sober place, but in the official Returns it came out very handsomely. There were 550 beer-houses, or one for every 193 inhabitants in Bradford; so that if beer-houses did all the mischief that was alleged, Bradford must be, one would suppose, a very bad place. But what were the facts? In 1851, 262 persons were apprehended for drunkenness there, and, in 1867, only 191. Birmingham, with its population of 296,000, showed remarkably well. In 1848, there were 2,020 persons apprehended for drunkenness, and in 1867, he was happy to say, that number had decreased to 1,340. That result, again, was very remarkable, for beer-houses there were at the rate of one for every 227 persons. Therefore it did not seem that there was any want of beer-houses to do the mischief. In Bristol, another large place, the beer-houses were in the proportion of 1 to 238 of the population; and the drunkenness there amounted to 1,500 cases in 1841, and had fallen to 800 cases in 1867. If the Government thought it desirable that the Bill now before the House should be taken up, he, for one, should heartily support it; but, looking at the figures he had just quoted, he hardly thought there would be any great gain from the change which was recommended. He had spoken of Manchester having at last gone ahead of Liverpool,. In Liverpool, in 1841, there were no less than 17,500 persons apprehended for drunkenness; in 1867 the number had decreased to 11,900. Therefore, with all its increase of population, Liverpool was improving, though, God knew, it was still bad enough. In Manchester, where, in 1841, the convictions were 5,743, the number had, in 1867, come up to 9,742, or 1 in 37. He did not wonder at the movement which had taken place in Manchester, for, with such a state of things, the people would be glad to do anything that would do some good. He feared that no mistake existed in the case of Lancashire, because he had satisfied himself that there had been no extraordinary action on the part of the police, and the things that had accompanied drunkenness — crime and death, would prove the excess of drunkenness even if they argued back from the proportion of crime and death to that of drunkenness. In England and Wales the number of persons charged with indictable offences in 1835, 1836, and 1837 was 21,775. In the year 1865, 1866, and 1867 the number was reduced to 19,144. A great many summary offences had been taken out of the class of indictable offences and therefore no conclusion could be drawn, but there was some classes of tables in which there had been no change in the Criminal Law—the class of offences of violence against the person. In the first three years he had named there were 1,870 offences against the person, and in the last three years 2,360, being an increase of 26 per cent. The population had, however, increased between the mean years 1838 and 1866, by 38 per cent, so that for the whole of England the result was not unfavourable. The increase in all the criminal tables, except that containing larceny, was 17 per cent which, remembering the increase of population of 38 per cent, was not again unfavourable for all England. In Lancashire, the number of persons charged with indictable offences was, during the first three years, 2,576; but in the last three years it jumped up to 3,057—a fearful amount of increase. In the class of offences of violence against the person the number in Lancashire in the first period was 182, and in the second 350—an increase of 92 per cent. The increase of population in Lancashire was about 50 per cent, which did not, by a long way, come up to the increase in these offences. The indictable offences of 1867 amounted to 39,621 in all England less Lancashire, and in Lancashire alone they amounted to 15,900. The summary offences were in the same proportion. The death rate for all England, without Lancashire, was 2·266 per cent, while in Lancashire it was 3·16. He had been compelled by the communications sent to him during the last two months to look into these things. The Government might be aware of them, or they might not, but it was their duty to get to the bottom of this state of things, and apply a remedy. In 1865, the present Prime Minister, in one of his remarkable speeches at Glasgow, spoke of the general prosperity of the country, and remarked—

"These are things which touch material interests alone. There are some men—aye, high-minded men, too—who would bid you beware of such things lest they should lead simply to the worship of Mammon."

The right hon. Gentleman then went on to say—

"I do not think it is the duty of Parliament to withhold laws which are good for many, for fear of their leading to the worship of Mammon. By this I understand only that we are not to avoid doing that which is good because it may be abused to do evil."

An hon. Colleague of his, the Vice President of the Council of Education, had also used expressions closely bearing upon this subject at a time when the House was occupied with a matter almost as interesting as the Irish Church—the question of salmon and the cleansing of rivers. Three or four years ago the House went rather wild on the question of salmon and the cleansing of rivers, and the hon. Member for Bradford (Mr. W. E. Forster) said—

"The debate on the present occasion had not been carried on as a dispute between anglers and the manufacturers, but as a discussion in reference to the health of towns; and upon that principle he thought they might, having due regard to vested interests, lay down this rule—that the evils referred to ought to be removed when they could be prevented by manufacturers at such a reasonable cost as would not put it out of their power to compete with foreign countries and would not stop their trade."—[3 *Hansard*, clxxvii. 1349.]

This was the same feeling that led our soldiers to club their muskets at Inkerman; to do and die, but never to yield. But if the Vice President of the Council was right in saying that competition with foreign countries must go on at whatever expense of health and life, and if the Prime Minister was of opinion that in some cases Mammon guided the coach, and that the opposition was so sharp that the horses were to be driven to death rather than lose the race, depend upon it, whether the water-trough was quite close, or round the corner, the horses when they were taken off would run to get their noses into it. The official statistics showed the state of things in Lancashire, and there could be no doubt that a fearful responsibility rested on them all, and what he asked of the Government was that, if the Bill was likely to stop the evil, in God's name to support it. If, on the other hand, this was only a plaster on the cancerous sore, to hide it for a moment, let them take the manly course of applying a remedy. The House

was endeavouring to bring about an improvement in the country by instituting a better system of teaching; he trusted it would be the endeavour, not only to make the people better money-making machines, but to improve them really by instilling into their minds better principles, and thus enabling them to resist temptation. This could only be done by basing the education of the masses upon sound religious teaching. Whatever couse the Government took in reference to this Bill he would support them, because he thought they were the proper persons to take the initiative in this matter.

Mr. AKROYD supported the Bill. The country had pronounced decidedly in favour of this Bill, and it was only by such a measure that the evil effects of beer-houses, now beyond the control of the magistrates, could be averted. They were, in fact, in many cases, no better than brothels. He endeavoured on one occasion, with the aid of the police, to expose the iniquitous practices carried on in a beer-house of this character in his own neighbourhood; but having failed to obtain a third conviction, he was unable to get rid of it. He had been recently informed that the same state of things continued there, the magistrates being powerless to put it down. He joined a deputation that waited on the Home Secretary some weeks ago, asking the right hon. Gentleman to introduce a Bill to remedy the evils, and it was not until he found that the hands of the Government were too full to entertain the subject this Session that he joined in bringing forward this Bill. There was no doubt that the publicans, but for the restrictions they were under, would be as bad as the beersellers; but if both were placed under the same magisterial control, there was every reason to believe that beer-houses would be as well conducted as public-houses. The opposition to this measure arose from the Beer and Wine Retailers' Association of the metropolis; and, indeed, if there had been no opposition from the beersellers, there might have been a fear that the Bill was not sufficiently stringent. The statistics of crime quoted by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) hardly bore upon the question. Mr. Cobbe, the head constable of the West Riding of Yorkshire, reported that, in 1868, the number of public-houses in the West Riding amounted to 2,396, and the beer-houses to 1,614. For the same year the convictions of publicans in the West Riding were 110, or 4½ per cent of the number, and the number of convictions of beer-houses for the same year was 200, being at the rate of 12 per cent of the whole difference, or nearly 3 to 1 in favour of public-houses. In Staffordshire, in 1868, the head constable stated that there were, in his district, 2,118 public-houses and 2,648 beer-houses. For the same year there were 158 convictions against public-houses or 7½ per cent of the whole, and 394 convictions against beer-houses, which was equal to 15 per cent of the whole. His district was divided into three parts. In the rural district there were two licensed victuallers to every beer-house, and there was one conviction in every fifteen; in the mining district there was one conviction in every nine; and in the Potteries, where there were seven beer-houses to every two licensed victuallers, the convictions were in the proportion of one in five. That was conclusive as to the character of the two descriptions of houses. In the borough of Leeds there were, in 1858, 675 convictions for drunkenness, and, in 1868, 1,264 cases, an increase of 100 per cent, while the population had increased only 20 per cent. In 1860 there were 384 public-houses and 399 beer-houses; and, in 1868, there were 374 public-houses, a decrease of 3 per cent, and 565 beer-houses, an increase of 40 per cent. Thus it was clear drunkenness had increased as beer-houses increased; and the Watch Committee of Leeds had petitioned the House to the effect that this state of things would continue until all the beer-houses were under the control of the justices. The chief constable of Leeds had no hesitation in stating that, in his opinion, the great majority of these houses had a tendency to increase crime, unless a police-constable was stationed at their doors, especially those which harboured thieves and prostitutes. He further expressed his opinion that these houses would remain the pests of society as long as the present system of licensing continued in force, and that it would be exceedingly beneficial to place the licensing power in the hands of the justices. It was most important that some steps should be taken to put a stop to the evil without loss of time. He had no fear that the Government would meet the measure with a direct negative; but he was afraid that they would treat it in such a manner as to cause delay. The right hon. Gentleman might, perhaps, promise to deal with the question at some future day. A similar promise was made in 1857 by the then Secretary of State for the Home Department the right hon. Member for Morpeth (Sir George Grey), but that promise was never fulfilled. If this question were to be postponed until next Session the mischief to be dealt with would go on increasing, and would every day become more unmanageable. The Bill of the hon. Gentleman was a very moderate one, and he warned those opposed to it that, if they refused to agree to its provisions, which treated vested interests with great tenderness, a much more stringent measure would be passed in a future Session. He trusted that the Government would press upon their supporters the necessity of not opposing the second reading of this Bill, which he believed would conduce greatly to the good order, welfare, and propriety of society.

Mr. BRUCE said, that although this measure did not, in the opinion of the Government, meet all the exigencies of the case, and although, in their opinion, the question was one which required further consideration, yet he thought it might be convenient to the House to be informed that it was not their intention to oppose the second reading of the Bill. The House must recollect that there were already thirty-two Acts of Parliament in existence relating to public-houses and beer-houses, while the whole subject, in all its branches, might be amply dealt with in one Act of no greater dimensions than any one of them. Under these circumstances, it would have been the wish of the Government to have dealt with this great question during the present Session; but it needed but little apology at their hands for not having done so, looking at the press of other weighty business they had to discharge. When the question was brought under the notice of the Government they determined, after mature consideration, to inquire into the whole subject during the Recess, in order to introduce a measure at the meeting of the next Parliament, which should deal with every portion of the question. He was bound to say that, in thus recommending legislation, he was not actuated by any exaggerated view of the extent of drunkenness, nor of the evils which resulted from beer-houses in particular. The hon. Gentleman who had introduced this measure, in a speech of singular moderation and ability, had departed a little from strict accuracy in referring to the opinion of the Judges to the effect that the increase of crime was due to the increase of beer-houses and of drunkenness. The statistics of the right Gentleman opposite (Mr. Henley) showed unanswerably that crime had not been on the increase of late, and that, while the population was increasing, crime had remained stationary for many years past. Therefore, if there were this close connection between drunkenness and crime, it was evident that drunkenness could not be on the increase. Those who recollected what used to be the state of the streets in our towns twenty or thirty years ago on a Saturday night and a Sunday morning could hardly refuse to admit that there had been a very considerable improvement. Then, as to the especial demerits of beer-houses, it was undoubtedly true, as had been stated, that they had been more frequently convicted for offences against their licenses than the ordinary public-houses; but, on the other hand, the latter had more frequently been convicted of a higher class of offences, in the proportion of three to one, a circumstance that was due to the lateness of the hour until which they were permitted to remain open. The fact was the more striking when it was recollected that among the public-houses were included the first-class hotels and inns throughout the country, which would, of course have to be left out of the account. It was, however, impossible to deny that there were special faults connected with the present system of licensing beer-houses, and it was also impossible to deny that there was no sufficient check upon their indefinite increase; while, on the other hand, the magistrates exercised their licensing power generally with judgment and good sense. It was clear, therefore, that there was a check exercised on public-houses which did not exist with regard to beer-houses, and there were reasons for arguing that such check might be usefully applied to the latter also. But, while admitting that to be the case, the House must not forget that the result of a most careful inquiry, by the Committee of 1854, was to lead them to recommend that the licensing of public-houses ought not to be left in the hands of the magistrates. That Committee recommended that while certain duties, such as seeing that certain conditions of their licenses were complied with by all houses licensed for the sale of liquor, were intrusted to the magistrates, they should not have the power of granting or refusing those licenses. He did not deny that the House had some good reason to distrust the promises of Ministers in this matter. The subject had been regarded as one involving questions of great difficulty and delicacy, and great doubt had been entertained as to the possibility of carrying a comprehensive measure through Parliament. He had already stated the intention of the Government upon the subject; but, of course, it greatly depended upon many and various circumstances whether that intention could be carried into effect next Session. He thought, however, that the hon. Member who introduced this Bill had exercised great judgment in pressing for what might be called a suspensory measure, which should take effect until the whole question could be considered by the Government and the House. It was in that view, and not as approving the principle of the measure — as regarded intrusting magistrates with the power of licensing the beer-houses—that he, on the part of the Government, gave his assent to the second reading of the Bill. In announcing the intention of the Government to support the second reading of the Bill, he thought it right to say that, in Committee, they would move a clause to limit the operation of the Bill to a period of two years. This would be a pledge of the intention of the Government to consider the whole question with the view to more comprehensive legislation. If they failed to do so, the House would have it in their power to renew this Bill. There were several stringent provisions in the Bill which only applied to beer-houses. He did not see why they should not be extended to other houses in which intoxicating drinks were sold. That, however, was a minor matter and one which could be discussed in Committee.

Mr. HIBBERT observed that some of the statistics, quoted by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), made Lancashire look very black in regard to drunkenness; but he did not think that a fair comparison could really be made from the statistics of different towns, because the instructions to the police might not be at all uniform in those towns. There were circumstances, such as the large amount of wages paid weekly, which, to a certain extent, accounted for the statistics from Lancashire. It was creditable to Lancashire that there was, in that part of England, a great desire for education, and that it had taken an early and prominent part in calling attention to the subject now under discussion. He begged to thank the right hon. Gentleman the Home Secretary for consenting to the second reading of the Bill, and was sure the Government had exercised a sound discretion in doing so. It was one which had received more support from all parts of the country than any Bill introduced into that House for many years past.

Sir ROBERT CLIFTON moved the adjournment of the debate.

Motion made, and Question put, "That the Debate be now adjourned."—(*Sir Robert Clifton.*)

The House *divided:*—Ayes None; Noes 232: Majority 232.

Main Question put, and *agreed to.*

Bill read a second time, and *committed* for *Tuesday* 11th May.

House adjourned at a quarter before One o'clock.

HOUSE OF COMMONS,

Wednesday, 28th April, 1869.

MINUTES.]—Public Bills—*Second Reading*—Evidence Amendment [25]; Hospitals, &c. Rating Exemption [81], *debate adjourned.*
Considered as amended—Naval Stores* [88]; Merchant Shipping (Colonial)* [91].
Third Reading — (£17,100,000) Consolidated Fund*; Colonial Prisoners Removal* [92], and *passed.*

IMPERIAL GAS BILL (*by Order*).

CONSIDERATION.

Order for Consideration, as amended, read.

Motion made, and Question proposed, "That the Bill be now taken into Consideration."

Mr. MORRISON moved that the Bill be re-committed to the former Committee. What was sauce for the goose was sauce for the gander, and he did not see why the same course should not be pursued in regard to both Bills. He regretted to say that the gas consumers in the metropolis were in this matter very much like "sheep without a shepherd." Last year he introduced a Gas Bill for the metropolis which passed into a law for the City of London, and had given satisfaction to the consumers, and he believed also to the companies. The reason why the clauses extending the Bill to the whole metropolis had been withdrawn was the very faint support the promoters received from the Metropolitan Board of Works. Great indignation had in consequence been felt throughout the metropolis; and the Metropolitan Board had promised to mend their ways with reference to all future gas legislation. The result was that they appeared by counsel before the Committee on the Imperial Gas Bill; but the counsel having made his speech, calling attention to the legislation of last year with regard to the City of London, left the room; and in the case of the South Metropolitan Gas Bill the Board made no appearance at all. Although the defalcations of Mr. Benjamin Higgs must have been known to the Metropolitan Board of Works, and although it was owing to the appointment of an auditor by the Board of Trade that the defalcations had been brought to light, not one word was said by the Board as to the appointment of a public auditor. This showed a very inadequate sense of duty on the part of that Board. Having made an appearance, they ought to have properly represented the interests of the gas consumers of the metropolis; but, if it had not been for the attention of independent Members of that House, these Bills would have been allowed to slip through. Under these circumstances the best course would be to refer the Imperial Gas Bill back to the Committee, with a view to the incorporation of all those clauses to which no possible objection could be taken with regard to the testing of gas and the auditing of the accounts by an official public auditor, and also with reference to the question of price, and when a reduction in price should be made. In all future legislation with regard to Gas Bills, the proper principle to lay down, with a view to the interests of the public, was that which had been recommended by the Select Committees of 1866, 1867, and 1868, and carried out in the City of London Gas Act of last Session.

Mr. MONK seconded the Motion. At the same time he could not help thinking that the course taken by the hon. Member for Southwark (Mr. Locke), in concert with the hon. Member for Chippenham (Mr. Goldney), in asking the House to agree to nineteen new clauses, on the consideration of a Bill which had been already considered by a Committee upstairs, was not only unusual but wholly unprecedented in the annals of Private Bill legislation. As Chairman of the Committee he thought the proper course would have been for the Board of Trade to be represented before the Committee, and to have informed them that it was the desire of the Government that the clauses now proposed to be incorporated should be added to the Bill. The Board of Trade did not appear before the Committee. The Metropolitan Board of Works, who had petitioned against the Bill, were represented by counsel, who called the attention of the Committee to two important features in the Bill—namely, the price of gas and the rate of interest to be allowed. Both those points the Committee took into consideration. The company had considerably reduced the price, and the Committee decided that it should be still further reduced. He should therefore offer a strenuous opposition to the Bill being re-committed for the purpose of re-considering the price of gas. The Committee also decided that the new capital proposed to be raised should bear interest at 7 per cent in lieu of 10 per cent as proposed by the company. In regard to the appointment of an auditor, the clause in the City of London Gas Act of last Session had not been brought to the notice of the Committee, as it should have been by the Metropolitan Board. With the exception he had mentioned, he saw no objection to the reference of the Bill back to the Committee.

Amendment proposed,

To leave out the words "now taken into Consideration," in order to add the words "re-committed to the former Committee, with a view to the insertion of Clauses to make the Bill consistent with the provisions of 'The City of London Gas Act, 1868,'"—(*Mr. Morrison,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. LOCKE said, the statement of the hon. Member for Gloucester (Mr. Monk), who was Chairman of the Committee, was perfectly correct with one exception. So far as he (Mr. Locke) could understand the speech of Mr. Rodwell, the counsel for the Metropolitan Board of Works before the Committee, it amounted to this—that the City Act which was passed last year, and was founded on the Report of the Committee, over which the present Secretary of State for War presided, should be the model for the Committee on the Imperial Gas Bill to act upon. With regard both to the quality and price of gas the Committee had not acted upon it. The South Metropolitan Gas Company had acted on it, and put the price at 3*s.* 6*d.*, whereas the Imperial Gas Company charged 4*s.* at present, and 3*s.* 9*d.* afterwards. What he was most anxious about was that, in all future gas legislation for the metropolis, the provisions of the City Act should be strictly carried out.

Mr. STEPHEN CAVE observed that the statements which had been made with reference to these Bills clearly showed the want of some officer to revise Bills which had passed Committees, and see that they contained nothing contrary to public policy or the spirit of recent legislation. He did not know whether this point had received the attention of the hon. Gentleman opposite (Mr. Dodson), and whether it would be consistent with his duty to undertake it. The duty was performed "elsewhere" by Lord Redesdale in a very efficient manner. Here they found a very striking instance of this want, a Bill having come out of a Select Committee with the legislation of the last three years utterly ignored; and yet the history of that legislation was sufficiently remarkable.

Early in 1866, the Government endeavoured to improve the quality and lower the price of gas in the metropolis. The Government, of which he was an humble Member, took up the subject where the previous Government had left it. A long correspondence ensued between the Board of Trade, the different gas companies concerned, and the Metropolitan Board of Works, the result of which was that the then President of the Board of Trade (Sir Stafford Northcote) brought in a Bill in 1867. What then occurred would not be easily forgotten. An agitation was carried on throughout the whole country, and a pressure was put on Members which was totally unprecedented—going, as he thought, far beyond the bounds of propriety, and what was due to the independence and dignity of that House. He was overwhelmed with letters accusing him of every sort of crime. He was told in letters from shareholders that he was robbing the widow and the orphan; but they had since found out that the shareholders could be robbed most effectually by others. Then came the Committee presided over by the right hon. Gentleman opposite (Mr. Cardwell). Before that Committee, the Imperial, the Chartered, and other companies appeared, and agreed generally on the whole principle of the legislation proposed; but the Bill was rejected, because they would not come to an agreement with the Committee on the question of the back dividends. The legislation of last year was more successful. The City of London Gas Company agreed to propositions made as to inspection, purity, price, and other matters. The Chartered Company behaved very well in the matter; a Bill in regard to which passed earlier in the year containing, by anticipation, the conditions imposed by Parliament on the City of London Gas Company. The Imperial Company and South Metropolitan Company were wiser in their generation; they waited till the storm had blown over, and then brought in their Bills. The object of Parliament last year was to secure uniformity of gas legislation throughout the metropolis, and that would have been entirely defeated but for the vigilance of the private Members who had called attention to the subject. In consequence of the legislation of last Session, an elaborate machinery for the inspection of accounts, for testing gas, &c., had been contrived and set on foot by the Board of Trade, and inspectors and auditors had been appointed. It might be said that the Board of Trade should have watched these Bills. Well, but they might say very fairly that they trusted the Metropolitan Board of Works, and that would probably be a sufficient answer to anything that could be said against them. If he had been in their position, he believed he should have done the same thing. The Metropolitan Board of Works asked for these powers over the companies, and they were given to them by the legislation of last Session. It might well be supposed by the Board of Trade that, when the Metropolitan Board of Works were represented by counsel, all the points would be fully brought before the Committee; but, as the Chairman had stated, they had not been properly instructed in the matter. He quite agreed with the proposition laid down by the hon. Member for Southwark (Mr. Locke) as to a model Bill on this subject. They might, perhaps, pass a Standing Order, or come to some understanding that, in all cases in which metropolitan gas companies came for greater powers, the clauses in question should be incorporated in their Bills. With regard to price he was a little more doubtful. The Chairman (Mr. Monk) had stated that they had considered the question of price; if so, he did not think it necessary that point should be again referred to the Committee. But he thought that, at any rate, the House should have an opportunity of pronouncing an opinion upon it. He quite agreed that the clauses as to audit and inspection ought to be inserted in the Bills of these gas companies, and that the Bills should be referred back to the Committee for that purpose.

MR. SHAW LEFEVRE said, as some complaint had been made with reference to the Board of Trade not being represented before the Committee he must point out that the Board of Trade had no *locus standi* before a Committee on a private Bill. No doubt, the question might arise whether it was not the duty of the Board of Trade to bring in a general Bill; but the President of the Board of Trade felt himself entirely precluded from taking any action by the recommendation of the Committee of two years ago, over which his right hon. Friend, now Secretary of State for War, had presided, to the effect that, unless terms satisfactory to the consumers could be arranged, the Board of Trade should abstain from the introduction of any measure similar to that which was then before the House. It had been represented to the Board of Trade that the Metropolitan Board of Works would appear before the Committee and watch the interests of the consumers of gas in the metropolis, of whom they were the natural guardians. It turned out, however, that the Metropolitan Board had contented themselves with appearing by counsel, who only made a speech and did not call independent evidence; the Committee, therefore, had only heard one side of the question—the evidence of the promoters, and it was not to be wondered at, therefore, that they had come to a decision favourable to the promoters. No blame, of course, attached to the Chairman or to the Committee, but under the circumstances, their decision having given great dissatisfaction to the consumers, and being also entirely at variance with the decisions of two previous Committees in relation to the testing of the gas, auditing the accounts, and other points, only one course remained—to refer the Bill back to the same Committee. With regard to price the whole question had not yet been before the Committee. No evidence had been laid before them on the part of the consumers. This question ought to be considered, more especially as the South Metropolitan Company in their Bill now before the House had reduced their price. It was considered by the Committee, over which his right hon. Friend the Secretary of State for War presided, that the price of gas could be lowered, and its illuminating power raised, if there was an amalgamation of the companies. If this Bill passed in its present shape that amalgamation would be practically prevented.

Mr. R. W. DUFF said, he rose, as a member of the Committee, to explain the conclusions to which they had come. The price of gas had been considered by the Committee. The only Petition in favour of a reduced price alleged that it ought not to exceed 3*s.* 9*d.*, and the Committee had inserted a clause providing that, after the 1st of January, 1871, the price should not exceed 3*s.* 9*d.* No doubt all the gas companies ought to be under the same regulations as to audit, &c.; but it was distinctly the duty of the Metropolitan Board of Works to see that clauses to this effect were inserted in the Bill of any company not now under those regulations. The Committee on this Bill, however, could not deal with clauses that were not before them. The Board of Trade were represented before the Committee. The Imperial Gas Company were at present charging 4*s.* for gas, although they were entitled to charge 4*s.* 6*d.*, and they consented, in accordance with the only Petition before the Committee, to reduce the price to 3*s.* 9*d.* There was, therefore, no ground for referring the question of price back to the Committee.

Mr. GOLDNEY said, the hon. Member for Gloucester (Mr. Monk) complained of the unusual course taken by private Members in interfering with the decisions of Select Committees.

Mr. MONK said, he objected unless it was proposed to re-commit the Bill.

Mr. GOLDNEY said, he had misunderstood the hon. Member. He had been induced to give notice of clauses on this Bill from having had the honour of sitting upon a Committee in 1867, of which the right hon. Gentleman the Secretary for War was Chairman, which examined the whole question of the supply of gas to the metropolis. That Committee began its inquiry on the 19th of May, and sat almost continuously up to the 3rd of August. [Report *Aug.* 8, Parl. Papers, Nos. 520, 521.] They took evidence, and the result was a long and elaborate Report drawn up, for the greater part, by the Chairman, and which embodied in five heads of Resolutions that which the consumers of gas were entitled to ask. The first was that there should be a reduction of price and an increase of illuminating power; the price fixed on being 3*s.* 9*d.* per 1,000, and the illuminating power sixteen candles. This was a compromise, the evidence for the consumer pointing to 3*s.* 6*d.*; but 3*s.* 9*d.* and the illuminating power of sixteen candles were assented to between the companies and those who represented the public, and the date of January 1, 1869, was named for carrying the arrangement into effect. The next Resolution of the Committee, which was also assented to by the companies, was that an examiner should be appointed at the expense of the companies, to test day by day the purity and illuminating power of the gas, and that any penalties which might be inflicted, should go in a reduction of the dividend. The third Resolution was in favour of an amalgamation of the different gas companies. It was found that there were at that time no less than thirteen companies which supplied the metropolis, each company having a separate staff of engineers, secretaries, solicitors, collectors, and other officers, involving a large amount of money in salaries and expense of management. The Committee suggested, and it was agreed, that the number of companies should be reduced to four, who should supply the whole of the metropolis. The fourth Resolution was that there should be a public audit of the accounts of the companies by an auditor appointed by the Board of Trade. This the Committee were unanimous in regarding as most essential for the safety and protection of the public, and this was also agreed to. The fifth was a Resolution limiting the dividends to the profits of each year. It was proved to be essential to the comfort and convenience of the metropolis that the companies now existing should practically have a monopoly of the gas, as it could not be endured that the streets should be broken up at the pleasure of every new company that might come into the field. The four first Resolutions were, as he had said, assented to by the companies, but they refused their assent to the fifth, and the negotiations went off on the question of the back dividends. When the defalcations of Mr. Higgs became known, these questions, and especially the necessity of an efficient audit of the accounts were forced afresh upon the attention of the public; and he had felt constrained to take the matter up, as he was a member of the two Committees that investigated these questions, and as two of his then Colleagues were now Members of the Government, one had left the House, and one, his hon. Friend the Member for South Warwickshire (Mr. John Hardy), was then engaged with his election petition. He owned he was surprised to find that the Committee, whose Report was before the House, had passed two Bills without inserting the clauses which provided for the protection of the public. He was glad to notice the feeling on the part of the House that this was a public question. The metropolis was at the present paying more than £3,000,000 a year for gas, and the consumers were paying a higher price than in any other of the largest towns in the kingdom. Complaints were constantly made that Manchester and Liverpool had better gas for 2*s.* 9*d.* per 1,000 feet. He thought that the Report made, after an inquiry instituted by a Committee of that House, and extending over three months, was entitled to some respect.

MR. A. W. YOUNG said, he had no objection to the Bill being re-committed, but he must object to the suggestion of the hon. Member for Plymouth (Mr. Morrison) that they were to re-open the question of price. He was in favour of a public audit, for, as a gas shareholder and gas director, though not in this company, he was anxious for the protection of his property. The directors of gas companies could only look to their auditors to give them in their half-yearly reports a clean Bill of health. The notion was that the post of auditor was a stepping-stone to that of director, and it must be admitted that the directors usually exercised great influence in their appointment. He must, however, protest against the Resolutions of the Committee of 1867 being regarded as the basis of all future legislation on the subject of gas in the metropolis. An experiment was being tried in the most thickly populated districts, and, if it succeeded, it might be adopted by his and other companies who supplied the more scattered portions of the metropolis. That experiment in the City of London, however, might not be quite a fair test of what all could do. The shareholders in gas companies had, he thought, some little claim on the consideration of the House. He happened to hold some hereditary shares, upon which his father received no dividend for years. The originator of lighting by gas died a pauper. He had lately gone over the dividends paid upon his shares, since 1825, and found that the average was slightly above 5 per cent. The original shareholders went into the business under some risk, and even now, besides the interference of the Legislature, they were at the mercy of any discovery of a superior illuminating power, which would make their gas works worth nothing at all.

Mr. CARDWELL said, that having been Chairman during two successive Sessions of two Committees on this subject, he wished to state that, while he agreed that the Resolutions of the Committee which sat two years ago were not to be regarded as a conclusive guide to the legislation of the House, he thought that the House would desire to maintain some consistency in its legislation, and to show that there was some principle in what it did. The Members who sat upon the two Gas Committees were, so far as he knew, entirely unconnected with gas property, and they desired to come to an independent conclusion without pressing too hardly upon the gas companies. They rejected the Bill of the Board of Trade because it did not recognize the claim of the gas companies to the 10 per cent dividend, which was said to be guaranteed by the Act of 1860. There was a strong feeling on the part of the Committee not to interfere with the just rights of the gas companies. But they felt that there were other persons who had rights—the gas consumers of the metropolis, who were helpless except so far as Parliament took care of them. There was no power whatever on their part to establish competing companies, and, if justice were to be done to the consumers, Parliament must impose terms upon the existing companies when they came to Parliament for fresh powers. The Committee recognized the right of the companies to a 10 per cent dividend, but they would not admit that the companies were to be at liberty to carry on their business at whatever expense, and that a dividend earned upon an expensive business was to be charged upon the consumer. These two Committees were not exclusively composed of the same Members, but they were unanimous in their conclusions; and, if their decision, arrived at after so much inquiry and consideration, was to be overruled, it ought not to be by a Committee which did not appear to have the opposite side of the case before them, and which was, therefore, not to be blamed if it had decided upon insufficient evidence. It was said to be of no use to refer back to them the question of price, but he maintained that the question of price was cardinal. That which concerned the consumer was that he should not be charged to make up back dividends and upon an expensive business. It was clear from the evidence adduced before the Committee that if all the gas companies joined together they might be able to supply gas to the metropolis on the terms of 3*s.* 9*d.* per 1,000ft. for sixteen candle gas. This was now done by two companies—the South Metropolitan and Independent, which charged 3*s.* 4*d.* for gas of fourteen candles, nearly equivalent to 3*s.* 9*d.* for sixteen candles. The gas companies accepted these terms, but the proposed Bill went off on the question of back dividends, although there was to be an arbitration on the part of the Board of Trade raising the limit of charge to the consumer if the companies with due care and management did not pay 10 per cent. The whole subject of gas supply to the metropolis ought to be carefully investigated by the House, whenever the companies came for new powers, unless they meant to give the consumer wholly over to the companies. It was the practice of all the courts in this kingdom to maintain respect for themselves by paying respect to previous decisions, and the House would do well not to over-rule a decision which had been deliberately arrived at upon the Report of a Committee which did not appear to have had the advantage of hearing the opposite side.

Mr. PEEL DAWSON said, he wished to state, as a Member of the Select Committee on this Bill, that they investigated the whole of the case that was brought before them. If anything were wanting it was on the part of those whose duty it was to oppose this Bill. If the Resolution were not peremptory, he did not see how the Committee could act differently, for none of the questions referred to by the right hon. Gentleman (Mr. Cardwell) came even incidentally before them.

Mr. CARDWELL said he had attributed no blame to the Committee.

Mr. PEEL DAWSON said he did not understand how the Committee could have instituted an inquiry into previous legislation when the fact of previous legislation was not brought before them. To re-examine the question of price would be beyond their power.

Mr. AYRTON said, he concurred in thinking that the Committee had performed their duty under the circumstances in which they were placed. They would naturally feel hurt that a peremptory order should be made by the House directing them to arrive at a certain conclusion, but it would be most inconvenient if any reference back to them were made in such terms as would prevent their reconsidering any question that might be brought under their notice. He would recommend that the Bill should be re-committed to the former Committee, with instructions to consider the expediency of inserting clauses to make the measure consistent with the provisions of the City of London Gas Act of 1868. The blame of what had taken place was wholly due to the neglect of the Metropolitan Board of Works. The Committee had been seriously misled. The Metropolitan Board ought to have brought under their notice all the legislation of the last Parliament, and the opinions of the Committee of which his right hon. Friend (Mr. Cardwell) had been Chairman. This ought to have been supplemented by further information, so that the Committee might have had the whole subject before them. It appeared, however, that the local authorities had entirely failed to perform their duty to the metropolis; and when the Committee reassembled they would be in a position of great difficulty, for what reliance could now be placed on the assistance of a body which had proved to be undeserving of the confidence of the inhabitants of the metropolis? On such occasions it was usual to have the assistance of a Member of that House, who was charged with the duty of representing the interests of the public. The House might appoint one hon. Member to represent the interests of the public before the Committee, and if so it would be necessary as a counterpoise to appoint another Gentleman on the side of the companies. These two representatives having been added to the Committee, the whole subject might be brought under their notice by them in case the Metropolitan Board of Works did not appear to perform their duty.

Amendment, by leave, *withdrawn.*

Amendment proposed,

To leave out the words "now taken into Consideration," in order to add the words "re-committed to the former Committee, with an Instruction to consider the expediency of inserting Clauses to make the Bill consistent with the provisions of 'The City of London Gas Act, 1868,'" —(*Mr. Ayrton,*)

—instead thereof.

MR. W. M. TORRENS said, he had heard with great satisfaction the statement of the right hon. Gentleman the Secretary of State for War that the question of price was to be considered a cardinal one, but he regretted that the Committee objected to re-consider the basis on which the price was to be arranged. The hon. Member for Helston (Mr. Young), said that a low price might succeed in the City, but not in the suburbs. He would remind the hon. Member that if the City was the most populous district it was also the richest, and if they reduced the price to the wealthy it would be impossible to refuse the same reduction to the poorer classes. He did not censure the Committee, but as an analogous case to that of gas was water, he would remark that he had been member of a Committeee some years ago which sat for forty days to consider the Water Bills of the Metropolis. The Bill originally before them was the Chelsea Water Bill, and the first thing the Committee did was to apply the same rules indiscriminately to all the water companies. That was what ought to be done with the gas companies. He hoped the House would declare that the question of price was worthy of re-consideration by the Committee.

SIR JOHN GRAY said, he would admit, with a previous speaker, that much credit was due to the metropolitan Members for now bringing the subject before the House, but he should add that they would have been entitled to much more credit if, when notice of this Bill was given in the *London Gazette*, they had comunicated with their constituents and put them on the alert. Sufficient evidence would then have been forthcoming to enable the Committee to come to a right conclusion. There did appear before them a body who professed to act on the part of the public, and they were represented by eminent counsel, but they did not produce any evidence in support of their allegations. Failing that, as the Committee had before them a Petition complaining of the price the company proposed to charge, they took the allegations in the Petition, and put it to the promoters whether they could give any reason why the price should not be reduced to 3*s.* 9*d.* They were unable to give any evidence against the proposal, and the Committee put in a clause reducing the price after a certain date to

3*s.* 9*d.* It had been said that there ought to be a uniformity of price. He quite agreed that a uniform price for gas throughout the metropolis would be a most advantageous thing, but it could not be arrived at without an amalgamation of all the companies. A gas main might go through a district where it produced from £1,500 to £1,800 per mile. Another gas main in another district might produce £1,000, and a third in a thinly populated district only £300. At present the whole of the metropolis was parcelled out among different companies, and the consumers must expect to pay a larger price in the suburbs than was charged in central districts where the mains were concentrated, and where large consumers abounded. Evidence was produced before the Committee to show that the Chartered Gas Company, having been brought compulsorily under the regulations of last year, had been obliged to reduce its dividend to 4½ per cent, with the anticipation of a further reduction to 3½ per cent. How could the Committee, who were without a particle of evidence to show the necessity of a further reduction, undertake to reduce the charge of the Imperial Gas Company below the price suggested by the only Petition against the Bill? It was not in the power of the Committee to call before them any public officer to give them the information they required. Why did not the metropolitan Members assist the Committee?

Mr. LOCKE: We could not appear before the Committee. We had no *locus standi*.

Sir JOHN GRAY said, that the metropolitan Members had full notice that there would be such a Bill, and ought to have called their constituents together in the several parishes and districts affected by the measure. This was what the Members for the City of Dublin did. They considered themselves as the guardians of the interests of their constituents, and apprised them of every provision in any Act which could affect them. The metropolitan Members might have had no *locus standi* before the Committee *quâ* metropolitan Members, but they might have put their vestries and public bodies in motion. The hon. Chairman of the Committee (Mr. Monk) could get no evidence from the Metropolitan Board of Works. He pressed them for evidence, and asked them to give the Committee information, but they were silent, and left the Committee to act on their own discretion and upon such facts as came casually before them. With regard to the South Metropolitan Company, they were already under the reduced price. He doubted whether it would be considered courteous to the Committee to appoint the two additional Members suggested by the Secretary to the Treasury; but, if it were competent for the Board of Trade to come before them and make out a case, and call evidence, the Committee would be very willing to re-open the subject again. He objected to new Members being added to the Committee, as if the House had not confidence in those who originally considered the Bill.

Mr. DILKE said, it had over and over again been ruled that vestries had no *locus standi* before a Committee, because their interests were absorbed in those of the Board of Works; but, inasmuch as an impression prevailed that the interests of the consumers had been betrayed by the Board, the consumers should, in his opinion, have an opportunity of being heard in their own behalf.

Mr. DODSON said, he would add his assurance to those already given that there was no intention on the part of those who supported this Motion to cast any reflection upon the Members of the Committee. The House had, however, to consider public opinion, and, rightly or wrongly, there was an impression that the matter had not been properly sifted. He was inclined to believe, with the Chairman, that that was the fault of those who did not appear before the Committee to support the interests of the consumers. At the same time, if there was a feeling that their case had not received consideration, it was the duty of the House to secure a hearing for them. He thought the suggestion of the hon. Member for the Tower Hamlets (Mr. Ayrton) best met the case. He (Mr. Dodson) entertained objections to the Motion of the hon. Member for Plymouth (Mr. Morrison) as too peremptory in its terms. Moreover, there was some danger that if the Bill were simply referred to the Committee again, they might in the end find themselves in the same position as they were before. But the suggestion of the hon. Member (Mr. Ayrton) to add two Members, one in the interest of the gas consumers, and one in that of the shareholders was, in the circumstances, calculated to produce the fullest investigation. He thought, however, those two additional Members should not have power to vote, so that, following the ordinary course, the Committee would be perfectly free to come to whatever decision recommended itself to their judgment.

Sir HENRY HOARE said, he must protest, on behalf of himself and the rest of the metropolitan Members against the imputation of the hon. Gentleman the Member for Kilkenny (Sir John Gray) that they had in any way been wanting in their duty to their constituents in the matter of this Bill, and he had yet to learn that they could, in any respect whatever, profit by looking to Ireland for advice on such a subject as this. The ratepayers of Chelsea and Kensington had only accepted the Bill on the principle that half-a-loaf was better than no bread. Why should his constituents be compelled to pay at the rate of 4*s.* 6*d.* for 14-candle gas, when the City obtained 16-candle gas for 3*s.* 9*d.*? All the circumstances of the case showed the necessity for having one municipality for the whole metropolis.

Dr. BREWER said, the object of raising the present question was not simply to obtain a reduction in the price, but to have the illuminating power of the gas increased. The consumers outside of the City of London had no *locus standi* before a Committee of this House, except through the Metropolitan Board of Works, and although they had done all in their power to urge that Board to represent them before the Committee, the Board refused to pay any attention to their representations. They had, therefore, no alternative but to look to the House of Commons for protection.

Mr. Alderman LUSK said, that the charge against the metropolitan Members of neglecting to bring the rights of their constituents before the Committee was groundless, inasmuch as the hon. Member for Southwark (Mr. Locke) had stated the case of the metropolitan consumers to the House when the Bill was introduced before the Committee was appointed. He would remind the House that it alone was the guardian of the interests of the consumers of the metropolis, as it had granted to certain companies a monopoly of the manufacture of gas; and the consumers had no other means of protection than the insertion of clauses of the character proposed. If the consumers were at liberty to erect new works for themselves when and how they pleased, they would not ask assistance from Parliament.

Mr. MUNTZ said, he wished to draw attention to one point of interest to every consumer of gas throughout the country. The clause proposed by the hon. Member for Chippenham (Mr. Goldney) required that penalties should be paid out of the divisible profits of the company. It was necessary to add to this, a provision requiring that losses occasioned by gross neglect on the part of the directors should be made good from the same source. The public believed that the loss of £70,000 through the frauds committed by Higgs was attributable to the directors' neglect; and, as he considered that the proposition he had made would go far to prevent such frauds, he would promise, if the Committee did not bear it in mind, to propose a clause to that effect on the bringing up of the Report.

Mr. MORRISON said, he was willing to accept the suggestion made by the hon. and learned Member for the Tower Hamlets (Mr. Ayrton).

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

Ordered, That the Bill be re-committed to the former Committee, with an Instruction to consider the expediency of inserting Clauses to make the Bill consistent with the provisions of "The City of London Gas Act, 1868."

EVIDENCE AMENDMENT BILL—[Bill 25.]

(*Mr. Denman, Mr. Locke King, Mr. Locke.*)

SECOND READING.

Order for Second Reading read.

Mr. DENMAN, in moving that the Bill be now read a second time, said, that if the House would grant him attention for a short time he should be able to satisfy it that the legislation which had taken place upon the law relating to the admissibility of evidence, had left the law in a condition mischievous, irrational, and absurd. He thankfully acknowledged that in the course of the last twenty-six years much had been done much to remove the anomalies which had previously existed, and to enable parties to law suits and judicial proceedings and the public to have a more full and fair investigation of the truth. The general principle of this Bill was to do away with the few remaining grounds of incompetency to give evidence which were still upon the statute book, or existed at Common Law. The principle of the Bill separated itself into two heads. The first point with which it dealt was the instances of incompetency to give evidence, based on the supposition that no one could be trusted to give evidence in a case who had a great interest therein, either morally or pecuniarily. The second head dealt with the only other remaining case in which witnesses were altogether excluded; and that was the case in which persons—not from religious convictions, but from some objections which they could not get the better of in their own minds were unable to take an oath and thus were excluded from giving evidence, so that the Crown and the subject requiring the testimony could not have the benefit of it. These two heads came within one large and common principle — namely, that the law ought not altogether to exclude on the ground of incompetency of witnesses any testimony which may be trustworthy or true, but in every case the good sense of the Judge and the jury should be relied upon to decide upon the value of such testimony. Down to the year 1843 the slightest pecuniary interest in a cause prevented any person from giving evidence. A Bill was then passed, commonly known as Lord Denman's Act, which did away with some of the anomalies and much of the injustice which then existed. In 1846 an Act was passed which enabled husband and wife to give evidence for and against each other in the County Court; and in 1851, another Act was passed enabling them to give evidence in civil cases. Under the existing law, however, husband and wife could not give evidence for or against each other in suits instituted in consequence of adultery, nor could the principal parties give evidence for or against each other in actions for breaches of promise of marriage. It was a monstrous anomaly amounting almost to iniquity, that that should be the case, and the Bill proposed to sweep away this unreasonable exception to the law which was now applicable to almost every other kind of civil proceeding. He did not propose to alter that part of the law which prevented husbands and wives from disclosing communications made by the one to the other during marriage; and, if necessary, he was willing to introduce a clause exempting evidence of that kind from the operation of the Bill. The Divorce and Matrimonial Causes Act of the 20 & 21 *Vict.* coupled with the effect of the other statutes relating to the evidence of parties and their husbands or wives had brought about so absurd and unreasonable a state of things that hon. Members would hardly believe such a state of things could exist. By these statutes the principal parties, under certain limited circumstances, were allowed to give evidence ; but whether they could give evidence or not, all turned upon the accident, whether the very same issue of adultery happened to be raised in a suit "instituted in consequence of adultery" or not. In May last Lord Penzance had to try a petition presented by the husband for the restitution of conjugal rights, to which the respondent replied, charging her husband with adultery, and praying for a judicial separation. Upon that the husband abandoned his prayer and offered no evidence, but the wife, being already before the Court, was entitled to go on with her case. The question then arose whether, the issue having been joined upon the charge of adultery, the wife was entitled to give evidence in her own person in support of her case. The legislation was —that in no suit "instituted in consequence of" adultery should husband or wife be allowed to give evidence for or against each other; but the Judge held that, though issue had been joined on the very charge of adultery, the evidence having been tendered in a suit for the restitution of conjugal rights, and not in a "suit instituted in consequence of adultery" a different law prevailed, and the wife's evidence was admissible. That was the case of "Blackburn *v.* Blackburn," and it was instructive as showing that one law prevailed when a case was commenced, in one way while another law prevailed when the case was commenced in another way, though the issue tried was identically the same in both cases, and there was no conceivable reason why the evidence should be excluded in the one case more than in the other. So absurd a state of things ought not to remain on the statute book. The other case was that of "Bland *v.* Bland," which was a husband's suit for a dissolution of marriage on the ground of adultery. The wife in her answer charged cruelty against the husband, and prayed for a judicial separation; but it was held that the wife could not give evidence in her own person even on the question of cruelty, however great that cruelty might have been, because the suit was instituted in consequence of adultery. The Bill had been drawn by an able draftsman, Mr. Hastings, and had been submitted to Lord Penzance, who approved of it, as did also Mr. Best, a great authority on the Law of Evidence, and it had the sanction of the Law Amendment Society. In cases of breach of promise of marriage the law was quite as absurd, for neither the plaintiff nor the defendant could be examined. This was, he believed, the only other remaining case in which the parties were inadmissible witnesses in a civil action; the only relic of the absurd old presumption that where parties had so deep a stake in the case their evidence was not to be trusted, and that the truth was to be served by shutting out the testimony, of perhaps the only persons who had an accurate knowledge of the facts. It was urged that actions for breach of promise of marriage were of an objectionable character; but, so long as they existed, there was no reason why the court should not have the best means that could be obtained of arriving at the truth. In an action for seduction, and in cases of affiliation, the parties were competent to enter the witness-box and give evidence. Another objection which had been made against the principal parties being allowed to give evidence in these cases was that a counsel would be no match against a young lady of interesting appearance, good-looking, and well-dressed, who, if she could tell her story in the witness-box would be able to work upon the sympathies of the jury. But that was not a sound view. As the law now stood, a young woman, good-looking, and well-dressed, who sat below her counsel, but whose mouth was shut, had the opportunity of producing quite as great, if not a greater, effect upon the jury against a defendant whose mouth was closed, possibly not half as clever, half as good-looking, or half as well-dressed as herself, and was more likely to enlist the sympathies of the jury, and produce a detrimental effect against the defendant than if she could be examined and cross-examined like other plaintiffs. He believed that this change in the law, so far from encouraging actions of this description, would have the effect of putting a stop to the worst of them, namely—those in which the plaintiff's character and conduct could not stand the test of cross-examination. There was no reason, therefore, for the continuance of this anomaly. So far as this part of the Bill was concerned, he did not apprehend any serious objection of principle. The second part of the Bill had for its object the doing away with the incapacity of testimony which at present existed in certain cases, on the gound of defect of religious belief. He held that the law ought, in all cases, to leave Judge and juries to decide whether a man was to be believed, and that it should not be incumbent on the Judge to make a man stand down, and in some cases to commit him to prison, if he could not, or would not, from any cause whatever, consent, before giving his evidence, to imprecate Divine vengeance upon himself in case of his evidence being untrue. The first exemption from the necessity of taking an oath was made in 1696, in the case of the Quakers, who, it was found, could not be got by fear of imprisonment or anything else to pledge their oaths, though they were as competent and as likely as any other people to tell the truth. The Quakers were, therefore, exempted from the necessity of taking oaths in civil cases; and, in 1746, the Moravians, having similar scruples, were also exempted. After that another religious body, the Separatists, were exempted. Afterwards this law was extended to all persons who had been, though they had ceased to remain, Quakers, Moravians, or Separatists, and thus the law remained until 1828, when the Quakers, Moravians, and Separatists were also relieved from the necessity of taking oaths in criminal cases. In 1854, another enlargement of the law was made, and all persons who had conscientious scruples on religious grounds against the taking of an oath were permitted to give evidence on affirmation; but the affirmation was a peculiar one, compelling the person who made it to declare that, "according to his religious belief," it was unlawful to take an oath. There were some persons who objected to making such a declaration, because they entertained doubts respecting a future state, or were unable to place their objection to oaths on the express ground of "religious belief." The present law proceeded on the assumption that no man who did not believe in a future state of rewards and punishments was worthy of credence. Now was that a reasonable state of the law? Was not the man who had the courage to take the odium upon himself of confessing that he did not believe in future rewards and punishments a better man for the purposes of testimony than the one who did not believe, but who, without the slightest thought or scruple, made no difficulty, but glibly took the oath and gave his evidence as though he was a believer? Mr. Mill had pointed out very justly that the present state of the law only rejected those Atheists who had a regard for truth, while it admitted all those who were reckless and untruthful. One of the objections made to this part of the Bill seemed plausible, but it was entitled to no weight. It was said that if the man who declined to make the present affirmation suffered a hardship, it was no greater than the hardship suffered by lunatics, who were not entitled to give evidence. But that was not the case, for the evidence of a lunatic who had a lucid interval, or who could properly comprehend and reply to questions put to him, was admissible by law. The law was not so absurd, for instance, as to allow a keeper cruelly to ill-use a lunatic and to exclude the evidence of that lunatic altogether from being heard, unless it were proved that his mental incapacity was so great as to render him incompetent to understand questions and give answers to them. Under the existing law a man might lose all his property and be ruined, or be almost beaten to death, or garotted with impunity by reason of his inability conscientiously to make the declaration now required. Again, the law enabled an unscrupulous person to avoid being examined by pretending to be an Atheist, and thus to rob a meritorious litigant of his rights, or the public of its protection against some outrageous criminal, whom his evidence would convict. Under these circumstances, it was clear that the public interest might be greatly injured by the operation of the law. In many cases women, in a state of pregnancy, had refused to take an oath in consequence of their being under the conscientious, though mistaken, impression that, if while giving sworn testimony, they should by an accidental slip, state anything that was not entirely accurate they would incur the vengeance of God, and thus inflict injury on an existence more precious than their own. Now it was not desirable that the evidence of such persons should be lost merely because they had a superstitious scruple on the subject of oaths. A person might not be a confirmed Atheist and yet might have a doubt as to punishment hereafter—a doubt soon to be dissipated by further reading and reflection. In regard to this class of witnesses, a singular instance had fallen within his own professional experience. It was his duty, some years ago, to prosecute a soldier at Maidstone for the barbarous murder of two young girls, of the ages of sixteen and eighteen. They were found weltering in their blood by a baker, who came up immediately after the murder, and saw the murderer walking away from the spot. He was therefore the best witness to identity. He was accordingly called for the purpose; but when questioned as to his religious belief, he at once admitted that he did not believe in future reward and punishment, and his evidence, though he was to all appearance a respectable man, was, in consequence, excluded. Such a man, believing that lying lips were an abomination, though not an "abomination to the Lord" would have given evidence truthfully according to his conscience. He thought that the Judges should not question a man on such points. If he were willing to take an oath, or if, instead of taking an oath, he were willing to make this promise and declaration—"I solemnly promise and declare that the evidence given by me to the court shall be the truth, the whole truth, and nothing but the truth," surely this would answer every legitimate purpose. This was the declaration substituted for an oath in the 4th clause of this Bill. He wished to do away with inquiries into religious belief such as those to which he had referred. He did not wish to abolish oaths. Those who wished to take them might take them; but he proposed that it should be no longer the duty of a Judge to hold nice theological examinations. If a man objected to take an oath, a form of affirmation should be administered to him, and when that was done he should be liable to all the consequences of perjury if he told an untruth. The 4th clause provided that any person who, having made such promise and declaration, should wilfully and corruptly give false evidence should be liable to be indicted, tried, and convicted of perjury as if he had taken an oath. That, he contended, was the only logical and just way of dealing with the question. He did not propose this Bill because he believed there were any more Atheists now than there were in ancient days, though they were not so easily sent to prison for their opinions now-a-days; but his object was to prevent a miscarriage of justice from the arbitrary rule of excluding this evidence. He had no wish now to argue the validity or the importance of an oath; he did not deny that there were some shuffling and unconscientious, and he would even admit, some conscientious persons too, in whose case an oath was more likely to obtain the truth than an affirmation; but such cases were quite exceptional, and the evidence of such persons would always require watching. He should reserve any further observations until he heard the arguments that were to be urged against the Bill. He thought he had answered, by anticipation, the principal objections, and he hoped he had said enough to induce the House to give a second reading to the Bill, which he thought would work a very considerable improvement in the law, and promote the ends of truth and justice.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Denman.*)

MR. STAVELEY HILL, in rising to move that the Bill be read a second time upon that day six months, said, he concurred with his hon. and learned Friend the Member for Tiverton (Mr. Denman) in thinking it was desirable that persons coming into court to give evidence should do so under every responsibility that could be imposed upon them, and he further concurred with the hon. and learned Gentleman in thinking it was not desirable that persons coming forward as witnesses should be questioned as to their opinions respecting future punishment, but in the main propositions of the Bill he did not agree. He had a preliminary objection to the Bill, which was that, even supposing the change proposed by his hon. and learned Friend were desirable, this would not be the proper way to effect it. Last night the Secretary of State for the Home Department stated that there were thirty-two Acts relating to public-houses and beer-houses, and that it would be desirable to consolidate them. Strange to say there were exactly thirty-two statutory enactments relating to the Law of Evidence, beginning with the 15 Elizabeth and ending with a Bill brought forward by his hon. and learned Friend (Mr. Denman) two Sessions ago. All these enactments ought to be dealt with in one Bill, which might embrace as much of them as it was desirable to maintain, and also embody any changes which it would be advisable to make in the Law of Evidence. By Clause 3 of the Bill now before the House it was provided that—

> "The parties to any proceeding instituted in consequence of adultery, and the husbands and wives of such parties, shall be competent and compellable to give evidence in such proceeding."

In 1845, some of the most eminent legal authorities expressed themselves as opposed to the principle of that clause. Lord Penzance, Lord Justice Selwyn, and Sir Roundell Palmer had given evidence antagonistic to the principle of admitting the evidence of the parties to a suit in the Divorce Court. A proceeding in the Divorce Court in consequence of adultery was a criminal or *quasi*-criminal proceeding, and it was contrary to the spirit of our law to require the accused to give evidence in a criminal process. He denied that the clause would promote the ends of truth and justice. Reference had been made to the improvements in the law by enabling parties to the suit to give evidence; but parties to these suits stood in a very different position. In other civil causes there was present the great foundation of the obligation to speak the truth—namely, that by falsehood you were depriving your opponent of property to which he was entitled and making gain to yourself thereby; in these criminal and *quasi*-criminal cases, however, no such obligation seemed to arise. No doubt the change would increase the business in the Divorce Court, because it would induce parties to institute proceedings on very slender grounds, in the expectation of being able to elicit something in cross-examination of the respondent, or co-respondent, to establish their case. Again, he thought the public feeling would be shocked by the spectacle of an adulterer or adultress getting into the box to avow the immoral act. Would not the woman who openly avowed her infidelity to her husband be adding insult to injury? Then, would not persons be likely to commit perjury to screen their partners in guilt? This sort of perjury would have a particularly bad effect on public morals, because persons would be more ready to excuse it than they would be to excuse false swearing under other circumstances. As to actions for breach of promise of marriage, he never knew one brought into court that had not better have remained outside. A promise of this kind was more easily cooked up than any other, and if the breach of them was to continue to be the subject of action the contracts ought to be in writing. With respect to the proposal to admit the parties in those actions to give evidence, he found that his hon. and learned Friend the Attorney General had opposed a change in that direction when it was proposed in 1865. If it should be found, after such an inquiry as the House might think fit to institute, that it would be better to examine all parties to a suit, prisoners included, let there be a comprehensive measure placing all on the same footing. This matter ought not to be dealt with by piecemeal legislation; it ought to be dealt with as a whole, and, therefore, he moved that the Bill be read a second time upon that day six months.

Mr. WHEELHOUSE, in seconding the Amendment, said, he would ask why Parliament stopped short at the point it did in 1853? Could it be supposed that then due consideration was not given to all the bearings of the question? It was said that the proposed changes would elicit facts. He admitted that they would elicit something, but he feared that that something would be the reverse of truth—statements which would mislead he would not say Judges but juries, and which it would be better to stop at the threshold of the court. He thought it was most undesirable that the parties, even if rendered competent, should be compelled to give evidence. A putative father was not compellable to give evidence; he might offer his evidence if he chose, and therefore it was his own fault if he rendered himself liable to a charge of perjury.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Staveley Hill.*)

The ATTORNEY GENERAL said, the hon. and learned Member for Tiverton (Mr. Denman), had challenged the opinion of the House on a specific question, and, on a consideration of the whole matter, he felt himself called upon to give his support to the Motion of his hon. and learned Friend. The object of every inquiry was to obtain as much relevant information as possible, to do which you should examine witnesses who knew most about a transaction; but, unfortunately, the law had set up a theory that certain classes of evidence were altogether inadmissible, instead of leaving the effect of it to be considered by a Judge and a jury; and it had undertaken to say that certain classes of persons were incredible. We had violated the theory by admitting the evidence of parties to a suit, which was admitted to be a great improvement, and although they sometimes committed perjury they were usually found out by cross-examination. Every argument used against this Bill was urged against the admission of parties to a suit, and experience had confuted those arguments. The Bill proposed to do away with two remaining exceptions to the principle of admitting parties to a suit, and this change did not require a comprehensive measure. There might be some objection to the admissibility of parties to a suit in adultery which might not apply with the same force to other suits, but still the principle was the same, and it was a mere question of degree. All the arguments went to this, that the parties had so strong and deep an interest in the matter that they could not be believed. But this difficulty must be faced, and, on the whole, it seemed better to admit the evidence and trust to a Judge and a jury to determine the value to be attached to it than to say *à priori* that it was inadmissible. As to criminal cases, the suits referred to in the Bill were not criminal suits; the obtaining of damages was inconsistent with that. The promoters of the Bill contended that its principle was partly conceded by the law as it stood, for evidence which was inadmissible in a suit for adultery was admissible in another suit if the question of adultery were raised; and there was no principle in that anomaly. His hon. and learned Friend opposite (Mr. Staveley Hill) had objected to persons being called on to criminate themselves. But the Legislature should look to the interests of the innocent, and, at present, if a man knew himself to be innocent he was not allowed to be examined. He asked hon. Members to consider whether they would like to be placed in that position. On all grounds the case appeared to be made out for admitting the evidence of parties to a suit for adultery. He had often heard the noble and learned Lord the Judge of the Divorce Court (Lord Penzance) express the opinion that justice had frequently been defeated in his court from the want of the power to examine the parties to those suits. He was at first startled by the proposition to admit the evidence of parties to suits for breach of promise of marriage, knowing that soft-hearted jurymen might have more sympathy for young ladies under cross-examination than their own wives would be favoured with; but, if parties to suits were to be admitted, there was no logical reason why they should be excluded in these cases. They were practically admitted in cases of seduction, and there was no logical ground for distinction between them and actions for breach of promise. Substantially, the same question was raised by the admission of evidence without regard to religious belief. Was the law to say that *à priori* a man who did not entertain a religious belief could not speak the truth? It ought rather to be left to a Judge and jury to determine whether the man spoke the truth or not. If he were garotted, and the only witness was a man without a religious belief, he would rather have the evidence of that witness than have no witness at all.

MR. LOPES said, he desired to express his cordial approbation of the measure proposed by the hon. and learned Member for Tiverton (Mr. Denman). He thought the proposition of his hon. and learned Friend would bring the rules of evidence more in conformity with themselves, and would eliminate another anomaly from our statute book. The law student of 1869 would scarcely believe that, twenty years ago, a tradesman seeking to recover the price of goods sold to a customer could not be called as a witness, to prove that of which he had special knowledge. The result was the tradesman was obliged to forego his debt, or trust to the chance of proving it by some evidence unsatisfactory to the jury, and only relied on because the natural and legitimate mode of proof was placed by the Legislature beyond their reach. No one acquainted with the law would hesitate to admit that the changes in the Law of Evidence, made in 1851, rendered the discovery of the truth much easier than it was before. The objections now made against this Bill had been made against every other measure of the same kind at the time when it was brought forward. The hon. and learned Member for Coventry (Mr. Staveley Hill) suggested that the Bill would lead to perjury; but, even assuming that, were we to cast away the means of ascertaining the truth, because there were vicious persons who would come into court to state what was false? Besides, if the parties in question were competent to give evidence, the fear of their doing so would prevent many persons from coming into court at all. There were many cases in which plaintiffs and defendants persevered simply because they knew the mouths of their opponents were shut. The plaintiff often made an unjust attack, and the defendant often peristed in an obstinate refusal of a just claim, because they believed that their objects might be attained so long as they were themselves not liable to be called. In cases of breach of promise of marriage third parties who had seen letters which had been lost or destroyed by one of the parties could not be called to give evidence of their contents, because the person who received the letter could not give evidence of the fact of the loss or destruction of such letter. Remarkable anomalies under the existing state of the law occurred in the Divorce Court. A wife or husband might witness with their own eyes the infidelity of the other, and unless some third person could be called to prove the adultery, the unoffending party to the marriage might be called upon to continue cohabitation with a person of whose immorality he had ocular proof. He could obtain no redress in the Divorce Court, because he could not be called as a witness, and there was no other independent proof. Again, if a wife was a petitioner, she could be called to prove cruelty; but if the husband was a petitioner, and the wife set up cruelty as a recriminatory charge, she could not be called. Again, if a suit was undefended, the petitioner could be called and examined under Section 43 of the Act, but if defended the Judge was unable to exercise his powers under that section; because his so doing would inflict an injustice on the respondent, whom in no case could he call to contradict the statements of the petitioner. The ability, discrimination, and discretion of the learned Judge who presided in the Divorce Court (Lord Penzance) was surpassed by no Judge on the Bench, and he believed the fact that the learned Judge in question had given his sanction to the Bill of his hon. and learned Friend would go far to insure its safe passage through both Houses of Parliament.

MR. SERJEANT DOWSE said, he thought he might claim to speak with independence on one branch, at all events, of this question inasmuch as in Ireland there did not exist a Divorce Court, persons in that country who wished to annul marriages into which they had entered were left to resort to the old remedy; and he must say that he had no desire, judging from the reports in the metropolitan journals, to see a Court of Divorce established in his country. The Bill of the hon. and learned Member for Tiverton (Mr. Denman) would, he believed, be accepted by the people of Ireland and the legal profession there as an unmixed good. Its provisions would enable them to get rid of the last relic of absurdity in the present mode of giving evidence. If the breach of a promise of marriage were considered a breach of contract, was it not an unjust thing that both the plaintiff and defendant could not be examined, in order that the real truth might be elicited? Many existing anomalies would be got rid of if the parties were allowed to speak what they had to say, and if it were left to the jury to decide whether or not they believed the evidence given. With respect to actions of *crim. con.* and breach of promise of marriage, his own experience supplied him with some remarkable instances of the injustice of preventing the parties to the suit from being examined. In order to evade the law, an action for breach of promise of marriage had been brought, including in the declaration a count for assault and battery, and as the plaintiff was examined on the latter count, the defendant by not presenting himself as a witness, practically allowed judgment to go by default on both counts. In another case a debt arising out of the negotiations for the marriage was sued for in a second count, and the breach of promise was thus incidentally tried in a different kind of action. As a woman could be examined in an action for seduction, juries often gave damages for that and breach of promise too. The hon. Member for Coventry (Mr. Staveley Hill) had looked at the question from the guilty point of view; but there was an innocent point of view; and he knew remarkable illustrations of injustice due to the existing law. He was once consulted by the defendant in an action for *crim. con.*, and he thought the man would have fainted when he was told that he could not be examined as a witness. The case was a "plant;" it lasted three or four days before a Judge remarkable for expedition, and it was with extreme difficulty, and more by an interposition of Providence than anything else, that the defendant left the court as an innocent man. If the plaintiff could have been called and certain documents put in evidence the infamous plot would have been exposed in five minutes. He also agreed with the clause as to the mode of swearing or affirming, and as a whole he would support the Bill, as likely to take away the barrier which at present existed against a speedy and easy arrival at the truth, though he thought they might in Committee introduce with advantage some alterations into the details of the measure.

MR. VERNON HARCOURT said, that this question, in part at all events, raised a much larger issue than at the first blush appeared. He did not mean to oppose the Bill, and, indeed, the mere provision which it contained with respect to oaths would be sufficient to induce him to vote in its favour. But he confessed that he could not help entertaining some doubt with respect to the expediency of their adopting the clause which would make it compulsory upon the parties to a suit in case of adultery to give evidence. He could find no argument in support of that proposal which would not equally apply to the cases of prisoners in criminal trials. The main reason, he believed, why persons charged with adultery had been exempted from the law which allowed the parties to appear in the witness-box was that such an action was looked upon as a criminal rather than a civil proceeding, and that it was considered that defendants ought not to be placed in a position in which they would be not only tempted but almost compelled to perjure themselves. It was a grave question whether they should allow a man on trial for his life to subject himself to examination and cross-examination; but he felt convinced that that question could not be separated from the one which they were then discussing.

MR. AMPHLETT said, he also thought that if this Bill were carried the principle must be extended to the cases of all persons accused of criminal offences, and it was because that was his view that he gave his support to the Bill. He had never been able to see any valid reason why the evidence of prisoners in criminal cases should be excluded. It was said that a guilty man might commit perjury in order to save himself; but he did not think we ought for that reason to deprive an innocent man of the advantage of giving evidence which might lead to his acquittal.

MR. DENMAN said, he did not then intend to go into the question, whether prisoners should be allowed to give evidence in criminal cases. But he might observe that there was at least one argument, whether a valid one or not, against the adoption of such a course, which did not, he thought, apply to the alteration of the law he was then proposing; and that was, that in trials for such crimes as burglary, larceny and murder, the prisoners were usually of a class so uneducated and so ignorant that, on examination and cross-examination, they would be almost sure to commit themselves, and to injure their own case, whether they were innocent or guilty. Lord Penzance had expressed to him his general approval of the Bill, but had suggested to him that he might, for the purpose of obviating an objection to the measure, provide that a person should not be called upon to give evidence tending to prove against himself or herself the act of adultery. That was, however, merely a suggestion thrown out by the noble and learned Lord, who would, he (Mr. Denman) felt convinced, be prepared to take up the Bill in the House of Lords, if it should pass in the Commons.

Question, "That the word 'now' stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Bill read a second time, and *committed* for *To-morrow.*

HOSPITALS, &c., RATING EXEMPTION BILL—[BILL 81.]

(*Mr. Wheelhouse, Sir Herbert Croft.*)

SECOND READING.

Order for Second Reading read.

MR. WHEELHOUSE, in moving that the Bill be now read a second time, said, that the object of the Bill was to relieve hospitals, dispensaries, and infirmaries from their present liability to poor rates, borough and other local rates. These institutions, instead of being numerous, were few and scattered; and, indeed, in their very natures, had the effect, by affording relief to the injured and distressed, of relieving the rates of charges which they would otherwise have to bear. The exemption of such institutions from rating had always been considered as established, until they were made rateable, in consequence of an elaborate judgment lately delivered by Mr. Justice Blackburn, which was established by a recent decision of the House of Lords. He had taken, as the model of his Bill, the Act exempting literary and scientific institutions, and whatever could be pleaded in favour of these must apply with tenfold force to the case of charitable institutions. If it were right, twenty years ago, to exempt the former much more must it be so to exempt those to which this Bill applied.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Wheelhouse.*)

SIR HERBERT CROFT said, he desired to support the Bill, which would have the effect of removing some of the obstacles frequently presented by the law to the establishment of those institutions by benevolent persons. In the case of St. George's Hospital, of which he was one of the governors, the contributions had, for the last seven years, fallen short of the expenditure; and, during the last two or three years, in addition to other heavy expenses, it had had to pay over £500 in rates. If this Bill were passed, those institutions would be able to do much to reduce the rates, by affording increased relief to the poor and distressed. They were, at present, passing a measure which would materially benefit the contributors to the support of the helpless and infirm in Ireland; and they ought not to refuse to confer a somewhat similar boon upon the same class in England.

Mr. M'LAREN said, that in Scotland all those institutions were assessable for local rates. There were sometimes special exemptions but, as a general rule, they were liable to pay to local rates. It was a very great hardship that rates should be levied upon those institutions which were kept up by voluntary contributions. Their exemption would entail a very small burden indeed upon the general ratepayer; and they ought to bear this burden, for it was a well-known fact that all benevolent institutions were supported, not by the general body of ratepayers, but by a comparatively small section, who contributed to any charity, while the great majority contributed to none.

Mr. DALRYMPLE said, he would support the measure, though he felt some doubt whether it was altogether fair that the landed property belonging to these institutions should be exempted from rating. Institutions of this kind had a great effect in keeping down the rates, by the relief which they afforded to those who would otherwise become a burden upon the public.

Mr. BAINES said, he wished to add his voice in favour of the Bill. The feeling in Leeds was very strongly in favour of this claim. In that town a new infirmary had lately been built, altogether by voluntary benevolence, at a cost of £120,000; and if made subject to rates, the amount would be most oppressive. Hitherto the parish officers of Leeds had shown their good sense and feeling by declining to rate the medical charities of the town, none of which possessed endowments. For three centuries hospitals had been exempted from rating, and it seemed to him that that exemption had obtained the force of prescription. The interests of humanity very clearly demanded that poor rates should not be exacted from hospitals. These institutions were of extreme benefit where the workmen were peculiarly subject to accidents from machinery, inasmuch as they received there the aid of the highest surgical and medical skill that could be afforded to them. Since hospitals tended materially to reduce the rates, by doing work which would otherwise have to be done by the union, it was unjust to tax them on behalf of the union. The rating of hospitals, in fact, was simply taking money out of one pocket and putting it into another; and he therefore maintained that common sense as well as consistency required that the exemption of hospitals from the poor rates, which had existed from the time of Elizabeth, should be continued.

Mr. P. WYKEHAM-MARTIN said, he might refer, in support of the Bill, to a circumstance that had occurred in the hospital established in the city represented by him (Rochester). The rates levied on that hospital had the effect of closing four beds, and to that extent had caused the rejection of persons in urgent need of assistance.

Mr. GOSCHEN said, this was one of those measures which it was a great luxury to support if one could, and which it was somewhat painful to be obliged to oppose. But this must be looked upon as part of the great question of exemptions, which could not be well dealt with piecemeal. He would remind the House that this was not the only proposal for exemptions which was to come under the notice of Parliament. A similar proposal was about to be made with regard to Sunday schools and various other charitable institutions; and in determining upon the course to be taken upon the present occasion, the House ought to consider whether all institutions founded and supported by voluntary contributions should have their funds supplemented by public local taxation; for, to be exempt from taxes, was to have a grant from the taxes. There was one parish in the metropolis in which one-fortieth of the whole rateable property belonged to charitable institutions, and in that case, if those institutions were exempted, the effect would be very seriously to increase the rates paid by the other parishioners. The question was whether the parishioners were to be compelled to become subscribers in this way to the hospitals? St. George's Hospital, which had been referred to, and other hospitals did great service in cases of sudden accident, as well as to the sick poor; and a very large proportion of the inmates of those institutions did not belong to the pauper class at all. Under these circumstances, it was fair to ask whether the particular localities in which these hospitals were situated were to have their rates increased for an object from which the whole country benefited? If they once entered upon these exemptions, it was difficult to say where the line should be drawn; for, if they exempted hospitals and infirmaries, it would be followed by similar demands, first from Sunday schools, and afterwards from night schools and other schools for the poor, working men's institutes and working men's Colleges. It would be a far better principle, if they were to recognize the title of hospitals to receive support from the public purse, that it should be done directly by a grant of money, instead of indirectly at the expense of the parishioners of the particular parishes in which hospitals were situated. He trusted, therefore, that the House would deny itself the pleasure of passing this Bill.

Mr. SCLATER-BOOTH said, he entirely concurred in the views expressed by the right hon. Gentleman who had just spoken. He might bring to their recollection the case of that magnificent hospital—St. Thomas's—which was being constructed on the other side of the river on ground formerly occupied by houses which were rated for parochial burdens. If this Bill passed the parishioners would have to pay larger contributions, in order that that hospital, which was as much a national as a parochial institution, should be exempted. It was a question whether there should not be some special system of taxation applicable to charities; but it would be inexpedient to exempt one class of charitable institutions from local taxation in the way proposed by this Bill.

Mr. CAWLEY said, he should give his support to the Bill, and should be glad to see its principle carried further by the exemption of all institutions supported by voluntary contributions from local rates. Why should persons who subscribed money to a charitable object be taxed for being charitable?

Sir MICHAEL HICKS-BEACH said, that the Bill involved an important principle. He had received strong representations on the subject from hospitals in the county which he represented, which were anxious to be exempted from taxation. Formerly he was inclined to think that their claims for exemption were well founded, but since then he had held Office in the Poor Law Board, and had made more careful inquiry into the matter, and the result was that the more he inquired the more clearly it had appeared to him that the view expressed by the right hon. Gentleman opposite (the President of the Poor Law Board) was correct, and that it would be detrimental to the other ratepayers if these institutions were exempted. The subject had been carefully considered by a Select Committee in 1857, and they had expressed a similar opinion. It would be a great mistake if the House should agree to the second reading of the Bill.

And it being now a Quarter before Six o'clock,

Debate *adjourned* till *To-morrow.*

House adjourned at Ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 29th April, 1869.

MINUTES.]—Public Bills—*First Reading*—Religious, Educational, &c. Societies Incorporation* (81); Ecclesiastical Dilapidations (No. 2)* (82); (£17,100,000) Consolidated Fund*; Children, &c. Protection* (84); Vaccination Amendment* (85); Metropolis Local Management Acts Amendment* (86); Metropolitan Regulations* (87); Education of Children* (88); Infant Life Preservation* (89).

Second Reading — Ecclesiastical Dilapidations (25), *withdrawn;* Government of India Act Amendment (62); Park Gate Chapel Marriages, &c.* (59).

Committee—Militia (76-83).

Third Reading—Norfolk Island Bishopric* (73), and *passed.*

Withdrawn—Ecclesiastical Dilapidations (25).

ECCLESIASTICAL DILAPIDATIONS BILL—(No. 25.)

(*The Archbishop of York.*)

SECOND READING.

Order of the Day for the Second Reading, read.

The Archbishop of YORK, in moving that the Bill be now read the second time said, that the subject had often engaged the attention of their Lordships. Little need be said in vindication of the principles of the Bill; for the present state of the Law of Dilapidations was admitted to be unsatisfactory, and pressed hardly upon the clergy. It was extremely unequal in the mode of valuation; cases often occurred where an incumbent was called upon to repair the parsonage house upon entering on a benefice, and received a small amount of dilapidations from his predecessor. In spite of these repairs, in two or three years the dilapidations might be consummated in complete ruin; but if the incumbent then went out he was liable to rebuild the house entirely. The next defect of the law was that, owing to the uncertainty, there was not sufficient inducement to the clergy to keep their houses in good repair. The Bill, though by no means a complete measure, proposed to deal with these two points, and to provide for the appointment of official surveyors in each archdeaconry, in order to secure the uniform administration of the law, and to give the incumbents sufficient encouragement to keep their houses in proper repair. They would be appointed by the archdeacon and the rural deans. The Bill also provided that during a vacancy in a benefice, a survey should take place by order of the archdeacon, and upon the surveyor's report the incoming incumbent would be required within a certain time to execute the work; but, in order to lighten the burden upon the successors of insolvent or imprudent incumbents it was provided that the Governors of Queen Anne's Bounty should be empowered to advance money on mortgage, in the usual way to the new incumbent, to assist him in executing the necessary repairs. There was also a provision for the inspection by the surveyor of benefices belonging to livings under sequestration. If an incumbent chose to have a survey during his incumbency, and put his glebehouse or other buildings in perfect repair, he would be insured against any further demands for dilapidations for the next five years. The Bill did not at present contain clauses affecting episcopal houses, or the residences of deans and canons, because it was based on the recommendation of the Committees of the Lower Houses of Convocations of Canterbury and York, who had shrunk from dealing with that part of the question; but he hoped the clauses dealing with them would be inserted when the Bill got into Committee. Another omission was that the rights of patrons seemed to be insufficiently protected, inasmuch as it did not provide that the patron's consent to all loans should be obtained; nor was there any provision to enable patrons, in their own interest, to have buildings inspected from time to time. Provision on these points would, he hoped, be made in Committee. He thought, that with these additions, the Bill would prove a great benefit to the clergy. He believed that no objection could be made to the principle of the Bill, and that the details could be best considered in Committee.

Moved, "That the Bill be now read 2ª."—(*The Archbishop of York.*)

Lord PORTMAN thought the time of the House would be saved, if the most rev. Prelate withdrew his Bill, and substituted the measure, framed by a Select Committee in 1862, with the valuable co-operation of Lord St. Leonards. That measure was very carefully considered, and avoided some of the defects of the present Bill, while it contained valuable provisions which were not comprised in this measure.

The Archbishop of CANTERBURY said, he concurred in this suggestion. Having been a Member of the Select Committee, he could bear testimony to the careful consideration the subject received, and to the time and attention devoted to it, in particular, by Lord St. Leonards. His most rev. Brother's attention had, probably, not been directed to that Bill, which, in his opinion, would best carry out the object he had in view.

The Bishop of OXFORD said, that the subject urgently required consideration, and, as another Member of the Select Committee, he also would advise the withdrawal of the present Bill, and the substitution of that of 1862.

Viscount HALIFAX also recommended the adoption of the Bill, which had been carefully considered by the Committee of their Lordships' House.

The Archbishop of YORK said, he felt that he had no alternative but to accept the friendly advice offered him from such influential quarters. Through the courtesy of the noble Lord (Lord Portman), he had had an opportunity of examining the Bill of 1862 as it issued from the Select Committee—his ignorance of which was due to his not having been at the time a Member of the House — and of seeing the care with which it was drawn. It was almost impossible to carry a beneficial Bill on this subject, without the consent of the clergy, and he must therefore consult with others on the subject. He would, therefore, with the permission of the House, withdraw his Bill, and introduce that prepared by the Select Committee of 1862—reserving to himself, however, the privilege of reviving his Bill, which had been extensively circulated and generally approved by the clergy, in a future Session, if he thought fit. He would also consider whether many of its provisions might not be advantageously introduced into the Bill of 1862, in Committee.

Motion (by Leave of the House) *withdrawn.*

The Bill (by Leave of the House) *withdrawn.*

ECCLESIASTICAL DILAPIDATIONS (NO. 2) BILL [H.L.]

A Bill for the amendment of the law relating to Ecclesiastical Dilapidations—Was *presented* by The Lord Archbishop of York; read 1ª. (No. 82.)

GOVERNMENT OF INDIA ACT AMENDMENT BILL—(No. 62.)

(*The Duke of Argyll.*)

SECOND READING.

Order of the Day for the Second Reading, read.

Moved, "That the Bill be now read 2ª."—(*The Duke of Argyll.*)

Lord CAIRNS said, he was anxious to obtain their Lordships' attention for a few moments to a question connected with this Bill, which was of great importance and great interest. The question was the precise position and powers of the Secretary of State for India with respect to his Council, as regarded the revenues and expenditure of India. Their Lordships would readily conceive how important it was that no misapprehension should exist on this subject, for nothing was more to be deprecated than that at a future period, through a careless interpretation of the present law, a misunderstanding should arise between the Secretary of State and his Council. But their Lordships might remember that two very antagonistic views had been expressed on this point. The noble Marquess (the Marquess of Salisbury), who had himself held the Office of Secretary of State, in a speech delivered at Manchester last autumn, said it was to be regretted that, as he understood the law, a Secretary of State was liable to be checked, with regard to any undertaking which he thought of importance to the Government of India, by the refusal of the Council to sanction the expenditure necessary for giving effect to that undertaking. The noble Duke (the Duke of Argyll) the present Secretary of State, had, on the other hand, stated that, as he understood the law, the Secretary of State on this subject was supreme, and not liable to the control of his Council, with a trifling exception as to grants of pensions and salaries. Now, the question depended upon two sentences in the Act of 1858, which brought the government of India directly under the control of the Crown and of Parliament. It provided that a Secretary of State should perform all such powers and duties in any wise relating to the government or revenues of India as had been exercised or performed either by the East India Company or the Board of Control, "save as herein otherwise provided." Now, a later section, the 41st, was in these terms—

> "The expenditure of the revenues of India, both in India and elsewhere, shall be subject to the control of the Secretary of State in Council, and no grant or appropriation of any part of such revenues, or of any other property coming into the possession of the Secretary of State in Council by virtue of this Act, shall be made without the concurrence of a majority of votes at a meeting of the Council."

This seemed exceedingly clear. He should have supposed that the phrase "grant or appropriation" had no limited or peculiar meaning, but was to be understood in its popular and ordinary sense, and that the section required the consent of a majority of the Council on any question of expenditure. But it was important that on a great question—what he might almost term a great constitutional question, for in reality it touched the constitution of the government of India—they should not confine themselves to merely scanning the words of an Act of Parliament. If it were really the law that the Secretary of State could not direct the expenditure of the revenues of India without the consent of his Council, the responsibility of the government of India to Parliament was lost; because you might have the Secretary of State compelled to come down to the House and say—"I think a certain expenditure necessary to the welfare and good government of India; but I am over-ruled by my Council," and the Council were irresponsible to Parliament. The noble Duke (the Duke of Argyll), indeed, on introducing the present Bill, stated that if he believed the law to be in this state he should ask Parliament to modify it. It was clearly desirable to know what the law was, and if it required amendment the Bill afforded a convenient opportunity for making such amendment. The noble Duke had stated that he entertained no doubt that Parliament did not intend, in 1858, that the Secretary of State should be controlled by the Council on questions of finance; and though lawyers might say it was not a legitimate mode of construing an Act of Parliament to refer to what was said or done at the time, it was convenient to do so when the object was to arrive at a proper perception of the spirit which actuated the Legislature. Now, in 1858, three India Bills were introduced into the House of Commons, the first being that of Lord Palmerston's Government; and the noble Duke said he had reason to believe that it was never intended by the Government of Lord Palmerston that the Secretary of State should be controlled by his Council on questions of finance. The noble Duke, however, was, he thought, mistaken on this point, for Lord Palmerston, in introducing the Bill, stated that the full power of the President—his Bill proposed a President and a Council of eight—would not extend to matters involving the expenditure of the Indian revenues, since for purposes of that kind it would be necessary that he should have the concurrence of four Members of the Council to any proposal he might have to submit. The President and four Members would of course form a majority of the Council; and the Bill contained a clause giving effect to this proposal. Owing to the change of Government the Bill was not proceeded with. A second Bill was introduced, but this was also abandoned; and then a third Bill, which ultimately became law, and now regulated the government of India. In its original shape that Bill contained no check upon the Secretary of State in matters of expenditure. His noble Friend, Lord Stanley, on moving the second reading, said—

> "With regard to the question of finance, it was provided in the Bill of the noble Lord (Viscount Palmerston) that no increase of expenditure should take place without the consent of four members of the Council. In omitting that provision we certainly did not do so from ignorance of the perils which may arise if an uncontrolled discretion of increasing expenditure be conferred upon a Minister, nor from any desire to assume that power to ourselves. But it appeared to us that such a provision was totally inadequate for the purpose aimed at. We thought a check of that nature would be illusory rather than real, and that, being illusory, it would only serve as a screen, and would prevent the application of that other and more efficient kind of control upon which we rely. It seemed to us that the object would be better attained by that on which I think Parliament has a right to insist, and which Parliament has it in its own hands to secure—namely the regular, the periodical, and the minute publication of Indian accounts, and the submission of them to this House.—[3 *Hansard*, cli. 326.]

Thus far there was a clear contrast between Lord Palmerston's Bill and the Bill No. 3. But this matter received much consideration, and on the 25th of June Sir Charles Wood—the present Viscount Halifax—made this remark—

> "If it was intended under the 39th clause"—regulating the mode in which grants were to be made—"that the Secretary of State should have no power to order the payment of money at home without the consent of a majority, or at least a certain number, of the Council, all he had to say was that some words must be added to make the meaning clear. The clause, however, was confined to home expenditure, and did not touch the much larger item of Indian expenditure, on which there appeared to be absolutely no check whatever. At present the President of the Board of Control could certainly order an extraordinary expenditure for war purposes through the Secret Committee, which in itself was some sort of control; but with regard to ordinary expenditure he had not the power to increase a single salary, except through the Court of Directors. But in this Bill there was no check whatever upon the Indian expenditure."—[*Ibid.* 456.]

In the same debate Sir James Graham, who took a prominent part in the discussion on the subject, said—

> "With regard to the home expenditure, he must say he did not find the words of the 39th clause, to which the noble Lord (Lord Stanley) had referred him, sufficiently explicit, and, with regard to the Indian expenditure, he did not find in the Bill any restraint whatever."—[*Ibid.* 457.]

A number of Amendments were then placed on the Paper—especially by a Member connected with the East India Company—proposing to restrict, in the closest and most severe way, the action of the Secretary of State with reference to Indian expenditure; and, before the Bill reached the next stage, Lord Stanley placed on the table an important despatch from the Court of Directors, together with a Paper of Amendments prepared by him in consequence of the objections which had been offered to the Bill. The despatch recommended, in Paragraph 9, that in all questions of expenditure the Council ought to have more than a consultative voice; that financial matters should be dealt with exceptionally; and that the Secretary of State should not, on those matters as on others, be able to set aside the opinion of his Council; one of the reasons urged for this being that the propriety of this had been recognized in Lord Palmerston's Bill, and that its omission in the third Bill must have proceeded from inadvertence. Lord Stanley, accordingly, included in his Amendments that which ultimately became the 41st section of the Bill, which he had already quoted. The change thus proposed in the Bill attracted its due share of attention, and in Committee, on the 2nd July, the noble Earl (Earl Russell), then Lord John Russell, said—

> "The noble Lord (Lord Stanley), at the suggestion of the right hon. Gentleman the Member for Carlisle and others, proposed a clause that the Secretary of State should not be able to dispose of the revenues of India without the consent of the majority of the Council. The hon. and gallant Member for Aberdeen had said that the Burmese war cost £9,000,000, and that the expense had been incurred in consequence of an order of the Minister for India alone, and yet it was said that £10,000 was not to be spent without the consent of the Council."—[*Ibid.* 895.]

Mr. Roebuck, too, he remembered said the whole thing was a sham, for that while appointing a responsible Minister, he was not to be allowed to spend any money without the concurrence of his Council, who would check him at every turn. The clause, however, was passed by the House of Commons; and, on the second reading of the Bill in their Lordships' House, the noble Earl opposite (Earl Granville) pointed out with great ability what he regarded as its defects, some of which were, perhaps, more perceptible now than at that time. Alluding to the way in which the Secretary of State would be placed at the mercy of his Council with regard to finance, the noble Earl said—

> "With regard to the very difficult and complicated questions of restriction upon expenditure, here again we proposed that no increased charges should be made on the revenues of India, except with the consent of the majority of the Council. The present Government, in their first Bill, entirely omitted this restriction. The noble Earl (the Earl of Derby) shakes his head; but the Bill in this respect had undergone such a change that the restriction which it proposes is much more stringent than that which we proposed. It goes to this extent, that there shall be no appropriation of the revenues of India without the consent of the majority of the Council. In fact, if they choose to fully exercise their powers, they can, like the House of Commons, 'stop the supplies,' and so put a stop to the proceedings of the Government altogether. By this clause you render perfectly nugatory the other clauses by which you give, in case of urgency, power to the Secretary of State to act secretly and speedily, because there is hardly an imaginable case, in which he would be called upon so to act, in which some appropriation of revenue would not be necessary in order to accompany that exercise of his power. I do not believe that these powers will be fully exercised by the Council; I do not think they will go to such a length as that; but there is some absurdity in leaving this matter to the control of a Council, while you, at the same time, refuse to give them powers which I think ought properly to be exercised by them. I think that in this respect you are doing what is a great sham."—[*Ibid.* 1469.]

There was plainly no misapprehension as to the relative positions of the Secretary of State and his Council. When the Bill was in Committee the noble Duke opposite (the Duke of Somerset) also addressed himself to this point and proposed the omission of the 7th clause, on the ground that it tied the hands of the Secretary of State and would prevent him from making expenditure necessary for India. The noble Duke said—

> "The House of Commons passed this Bill under the idea that they would make the Secretary of State responsible; but they, nevertheless, established a Council which, whenever money was wanted, would have him entirely under control, for he would be unable to move in opposition to the views of a majority of the Council. Perhaps the Council might say they wished to lay by so much money for purposes of irrigation, but the Secretary of State might think it was more desirable to expend it on barracks, in order to improve the health of the army. In such a case, whenever a question as to the health of the troops was raised in the House of Commons, the Secretary of State would be compelled to say he was no longer responsible for the health of the troops because his hands were tied. How could they say there must be divided management and not divided responsibility? This was a problem which they must solve, and unless they could solve it the best thing they could do was to strike the present clause out of the Bill. If the Council were given up, the Bill would be worked much more efficiently, the Secretary of State would be able to originate measures and to carry them out with more energy than would be possible if it were retained."—[*Ibid.* 1571.]

The Amendment, however, was not pressed, the feeling of the House being against it, and the clause remained in the Bill when it became law. Now, of course, it was possible that both Houses were at that time under a delusion as to the meaning of the clause, but of the meaning they attached to it no doubt could be entertained. In fairness to the noble Duke opposite (the Duke of Argyll) he would now quote his view of the clause. The noble Duke said—

> "In this country, of course, all expenditure is voted by Parliament, and an Appropriation Act is passed sanctioning the application of the money to particular purposes; and I quite admit that, though the Secretary of State would have the power to order any services to be performed, yet, if the majority of the Council could veto the payment for those services, they would have it in their power to checkmate the power of the Secretary of State. But, according to the usual practice of the Government of India, no system of vote or appropriation is necessary for the payment of services in India, and it is the opinion of all whom I have consulted, including the Law Officers of the Crown, that, under the present statute, it is unquestionably in the power of the Secretary for India to order in India any service which may appear to be required, and that payment for this service is made in India, and the disallowance of that payment is not competent to the Council without the sanction of the Secretary of State. It follows from this argument—which I believe to be well founded both upon the historical facts of the case and the words of the Act—that the Secretary of State is supreme in all matters whatever, except simply such matters as were included under the financial veto of Mr. Pitt—that is, direct grants of appropriations of money to persons either here or in India which might be made for purposes of political jobbery. That I believe to be the state of the law; and if it be, I need hardly say that it makes the Secretary of State supreme in all matters, whether they do or do not cost money."—[3 *Hansard,* cxcv. 1074.]

Now he must remind their Lordships of what the Act actually said. The affirmative and enacting part of the clause said—

> "The expenditure of the revenues of India, both in India and elsewhere, shall be subject to the control of the Secretary of State in Council."

Then came the exceptive and negative part—

> "And no grant or appropriation of any part of such revenues, or of any other property coming into the possession of the Secretary of State in Council by virtue of this Act, shall be made without the concurrence of a majority of the votes at a meeting of the Council."

Now the noble Duke (the Duke of Argyll) said that that provision was inserted because there was in reference to India no Appropriation Act like that which was annually passed in reference to the expenditure in this country. But the Government of India Act contained nothing to show that any technical sense was attached to the word "appropriation;" and when the section provided that "no grant or appropriation" should be made, without the concurrence of the Council, he (Lord Cairns) could not but conclude that the words were to be understood in their ordinary and popular sense, and that there could be no application of any part of the revenues of India to any particular purpose without that concurrence of the Council. For instance, the Secretary of State might wish for a certain railroad to be constructed, the Council of India might differ from him as to the policy of such a work, and object to the expenditure being provided out of the revenues of India; yet the Secretary of State might send out orders for the railway to be constructed, and for the expenditure to be provided out of the revenues of India; or without their consent, he might direct a scheme of irrigation to be carried out at the expense of the revenues of India; in the following week the Secretary for India might think that it would very much conduce to the health of the troops that barracks should be erected, and, though the Council might be in direct antagonism, send out to India an order for the erection of barracks. The result would be that £5,000,000 or £6,000,000 would be applied from the Indian revenues to that particular purpose; and yet, according to the view of the noble Duke, though thus expense was incurred against the will of the majority of the Council of India, the payment of this expenditure out of the revenues of India did not come within the meaning of the words "grant or appropriation of revenue" in the clause in question. Since the Act of 1858 was passed there had been three or four Secretaries of State for India, and, though he could not speak with certainty as to the opinions of all of those eminent persons, yet he could say with respect to some of them, that, up to the present time, they had acted on the construction of the law which he had submitted to their Lordships. He was confident that in no single instance had any appropriation of the revenues of India, in the sense in which he used the words, been made by any Secretary for India without the consent of the majority of the Council. What he wished to show was the grave importance of settling this matter. As far as he knew, no antagonism up to the present time had arisen between any Secretary for India and his Council, and therefore the opportunity was favourable for re-considering the law of 1858. There might come a time when a difference of opinion or antagonism would arise between the Secretary and his Council, and then, if the law were as he had stated it, the consequence might be great embarrassment with respect to the government of India, and the difficulty would have to be relieved by special legislation at a time, perhaps, when feelings of a warmer character than now existed might have been excited. He therefore urged on the noble Duke the Secretary of State for India, the expediency of taking the opportunity afforded by the passing of this Bill through the House, to explain his views of what ought to be the policy of the State on this subject, and to ask Parliament to make an alteration in the law, if he thought that the law ought to be changed.

THE LORD CHANCELLOR said, the House was indebted to the noble and learned Lord (Lord Cairns) for calling attention to the difficulty which, he conceived, might arise under the present Act of Parliament from a collision between the Secretary for India and his Council on questions of an important character. If there was really ground for the apprehension expressed by the noble and learned Lord it would be desirable to remove it; but the noble and learned Lord appeared to give a meaning to the words of the Act which they could not bear in any sound legal construction. If the question were brought in any way before a court of law, in construing the Act, the first thing the Court would do would be to discard any argument founded on the debates and discussions in Parliament during the passing of the Act through the Legislature. It would look at previous Acts regulating the government of India, would consider the grievances intended to be remedied by an alteration in the constitution of the government and the reason for passing the Act of 1858, and, judging in that way of the scope of the Act, would proceed to interpret its enactments. The court would find that at one time a kind of double government had been established for India—a government administered through the Board of Directors and the Board of Control. The Board of Control was entrusted with the control over the government of India by the Board of Directors; and, among other high powers committed to it, it was invested with authority to compel the Court of Directors to send out secret despatches on which the Directors had not been consulted, relating to important matters, such as peace or war. When the present Act of Parliament displaced the government of India through the Board of Directors as it had before existed, it transferred the government of India to Her Majesty, and placed it under the entire control of the Executive Government of this country. By the 3rd section of the Act all the powers of the Directors and of the Board of Control were transferred to the Secretary of State for India, and that transfer involved, of course, the power of making peace or war, which would involve serious expenditure. The first thing a court of law would say was that that was the primary scope of the Act. There was, to be sure, the restriction, "save as hereinafter provided;" but of course the court would give the largest construction to the large powers intended to be conferred and would narrow the effect of the restrictive words to the strictest legal construction. The meaning of section 41 was plain enough. It stated that no grant or appropriation of the revenues was to be made without the concurrence of a majority of the Council. The only two things pointed at by the restrictive words were a grant of money and appropriation; and to say that every direction or order given by the Secretary for India, which might and must involve an expenditure of money, was contrary to that clause would be to enlarge the restriction beyond any reasonable construction of an Act of Parliament. On the other hand, an order to the Governor General to declare war against a border State would not require the assent of the Council, though, of course, it would in its consequences involve expenditure. Surely his noble and learned Friend could not mean to say that all the powers heretofore exercised by the Board of Control could not be exercised by the Secretary of State without the consent of the majority of the Council? [Lord CAIRNS: Hear, hear!] Clause 49 confirmed his view. What was meant was that on questions of high policy the Secretary of State might give what orders he chose. For example, if troops were on their way to China, the Secretary of State might telegraph that they were to join the forces in India, or he might telegraph that some regiments were to be marched to Lucknow. Such orders would be clearly and definitely within the powers given to the Secretary of State under the 3rd section, and would not be in the slightest degree affected by the 41st section. It might so happen that the Governor General might answer —"I have not the means of complying with this order. Give me a distinct order that I am to apply the revenues of India to the object you desire me to carry out." If such an answer were sent it would be upon the responsibility of the Governor General; and the Secretary of State might say—"I simply make the order that the emergency requires: I make no order as to the appropriation of money to carry it out." If the argument of his noble and learned Friend as to the interpretation of this clause were correct, the Secretary of State would have no power to make peace or war, or to do any other act that required secresy and despatch, without the consent of the Council—and his noble and learned Friend himself owned that that would be a monstrous provision, and upon that point they were at one. Did anyone suppose that, if that view were correct, the Legislature would have passed the clause containing such a restriction in the original Act? No one would contend that Parliament intended to do that which would be so irrational as to say that, whatever might be the emergency, the Council should be able to control the decisions of the Secretary of State. In point of fact, the intention was to give the largest powers to the Secretary of State, subject only to the provision that, with a view to prevent anything like jobs, the assent of the Council should be necessary to every grant or appropriation of money —that the Secretary of State, for instance, should not make any new loans or sanction any new railway without the consent of the Council. The meaning of the Bill, in short, was that in one way the Secretary of State should have any imaginable power, and in another, purely the actual expenditure of money, should not act without the sanction of his Council. This was the rational, statesmanlike scope of the Bill, and he did not believe that a court of law would give ear to any other interpretation of the statute. Surely, therefore, it was not wise to try to define the exact border of demarcation between the cases in which the Secretary of State could act alone and those in which he required the assent of the Council, and it would be better to leave this line to be drawn by the good sense of the Council and Secretary of State. He could not suppose that any such preposterous claim would be set up by the Council as that they were entitled to over-rule the Secretary of State on questions of high policy, and thus virtually take the government of India out of his hands. If such a provision as that were really in the Act; other provisions which it contained would be idle. For instance, there was a provision that the Secretary of State might over-ride at his discretion the opinions of the Council. The primary object of the Bill was to increase the power of the Secretary of State. But his noble and learned Friend seemed to think that Parliament had stultified itself on this question.

Lord LYVEDEN said, that having been President of the Board of Control at the time when Bill No. 1 was introduced, and having prepared that Bill with Lord Palmerston's consent, he might perhaps be permitted to state what had been the intention in framing the Bill. Until he heard the noble Duke (the Duke of Argyll), who had been a Member of Lord Palmerston's Cabinet also, he had never had the slightest doubt that the intention of the Bill was to establish a check upon the Secretary of State. Lord Palmerston wished to have a Secretary of State without any Council at all; but the East India Company wanted a Council to check the Secretary of State in reference to expenditure—and at the time the general feeling was this—that the Secretary of State should not be put into such a position that he could have unlimited control over revenue. There had recently taken place the Persian War, and objection was taken to the power of the Secretary of State in such a case to declare war against Persia for European objects, and throw the charge on the revenues of India. The result was that one-half the charge of the war was borne by the Indian revenue, and one-half by the Imperial revenue as for an Imperial object. That question was rife at the time when Parliament was considering this subject, and the intention then was to establish a check upon the power of the Secretary of State over expenditure. The President of the Board of Control had theretofore acted as a check upon the East India Company, and the Council was intended to be a similar check upon the Secretary of State. The real question of importance which the noble and learned Lord (Lord Cairns) had raised was whether, there being this doubt, it would not be wise to insert a clause clearing up the doubt. He himself (Lord Lyveden) thought it high time that that important question was settled, for the satisfaction not only of the Secretary of State, but of his Council, and he saw no good reason why the noble Duke should oppose the introduction, if it could be framed, of a clause into the Bill with that object.

Lord CHELMSFORD thought that no one who had heard the arguments on this occasion could hesitate to come to the conclusion that the matter was not at present clear, and that it was desirable that the doubt which existed should be cleared up. He could not agree with the noble and learned Lord upon the Woolsack that it was not desirable to define the powers of the Secretary of State; for, on the contrary, he thought that it was absolutely necessary that, considering the very extensive powers given to the Secretary of State, the amount of limitation to them should be perfectly and clearly laid down. The question brought before their Lordships was a very short and simple one. It was the question of the construction of a single short section in an Act, which section was expressed in no ambiguous terms, but in words that could be very clearly interpreted. Their Lordships should understand that this question had not been brought forward with any hostile intention either towards the Government or to the measure under discussion; the only object was that they should be able to understand the exact position of the Secretary of State for India—whether he had the absolute power that was attributed to him, or whether he was liable to be checked and controlled by his Council. It appeared to him that the interpretation of the 41st clause of the existing Act was perfectly clear, and that it did not require a lawyer to put a construction upon it. He felt quite sure that a court of law, in dealing with it, would not enter into those considerations which his noble and learned Friend on the Woolsack seemed to suppose would be relied upon in the formation of a judgment upon it. The 3rd section gave powers to the Secretary of State, but gave them "save as hereinafter provided" so that there could be no doubt that there was some qualification of the powers given by Clause 41. The clause set forth in words, which were so clear as to be their own interpreters, that the expenditure of the revenues levied in India should be subject to the control of the Secretary of State in Council, and then came the limitation that—

> "No grant or appropriation of any part of such revenues, or of any other property coming into the possession of the Secretary of State in Council by virtue of this Act, shall be made without the concurrence of a majority of the votes at a meeting of the Council."

The meaning of the word "appropriation" in that section was quite clear—it meant the application of the revenue; and if an order were sent out by the Secretary of State for the construction, for instance, of a railroad, on which money must, of course, be expended, he could not see how such an outlay could be regarded otherwise than as coming completely within the operation of the Act. Under these circumstances it was, he maintained, most desirable that the limitation of the powers of the Secretary of State should be defined with perfect precision, while the present furnished a favourable opportunity for the purpose.

The Duke of ARGYLL said, the noble and learned Lord who had raised this question had done so in a very definite and clear manner; and he quite concurred with him in the opinion that their Lordships were asked to deal with it under circumstances of peculiar advantage, inasmuch as there was not only no dispute at the present moment, but although there might have been some differences between the Secretary of State and the Council of India during the last ten years, there had not been a single instance in which any antagonism had been brought to the point of an absolute rupture. As for himself, he felt that he was placed in a false position in seeming to attack the powers of the Council, whereas his desire was to uphold those powers. In bringing in a Bill respecting the government of India he did not propose to alter the existing law; and, in taking that course, he was but following the example of his predecessor in Office; for he had some reason to believe that, although Sir Stafford Northcote wished to settle the question more immediately before the House, he found it beset with so many difficulties of detail that he declined, in the Bill which he brought in—with, no doubt, the advice and concurrence of the noble and learned Lord—to deal with it. The present Government, having duly considered the subject, came to the conclusion that, on the whole, the decision at which Sir Stafford Northcote had arrived, was a wise one. During the ten years the existing law had been in operation the largest and most important questions connected with expenditure in India had been brought under the consideration of the Secretary of State and his Council; there had been expensive wars, and the construction of great public works, involving a great outlay of money, and charges of every sort and kind, and yet during those ten years, no hitch or difficulty had been felt by the Secretary of State or the Council with regard to their respective powers. He should not, he might add, have dreamt of mentioning the subject had not an appeal been made to him by the noble Marquess opposite (the Marquess of Salisbury), whose position went beyond that which he understood the noble and learned Lord to take up, because the noble Marquess appeared to be of opinion that the Council had the power of exercising an absolute veto in all questions involving expenditure. Now, first and foremost, came the question of peace and war—war having been the greatest cause of expenditure in India; and he did not believe that any member of the Council had ever dreamed of the power of the Council to veto any measure of the Secretary of State upon questions of that kind by the votes of a majority; and this furnished one test of the incorrectness of the interpretation which the noble Marquess had put upon the law. The noble and learned Lord opposite (Lord Cairns) had expressed his belief that the Secretary of State could not declare war without the consent of the majority of the Council. [Lord CAIRNS was understood to say that he did not withdraw his opinion.] If the noble and learned Lord gave up the application of this principle to the declaration of peace and war he gave it up altogether. [Lord CAIRNS was understood to remark that it was not likely that the Secretary of State would order the Governor General to declare war without having consulted his Council.] Would the noble and learned Lord venture to say it was not in the power of the Imperial Government to order Lord Mayo to despatch troops to the frontier of Affghanistan, on the threat of an invasion, without consulting the Council? He maintained that such an order could be issued by the Imperial Government, and that it would be incumbent on the Government of India to obey it, while the majority of the Council at home could not disallow a single rupee of the expenditure thereby incurred. He agreed, however, with the noble and learned Lord that, although the Imperial Government ought to be supreme, it would be the duty of any Secretary of State to take the opinion of the experienced men by whom he was surrounded. Then, as to the words of the Act, it might be contended by legal Members of that House that they should be interpreted very strictly; but he maintained that the intention of the Legislature in these words must be interpreted in consistency with other portions of the same statute and with the whole proceedings of Parliament when it was passed. Now, on referring to the Resolutions passed in the House of Commons, on which the Bill for the government of India was afterwards based, the first Resolution laid down absolutely the expediency of transferring to the responsible advisers of the Crown all the powers which formerly existed both in the Court of Directors and in the Board of Control; and the second Resolution went on to say that it was for assisting the Secretary of State in his duties that the Council was appointed. Now, he wished to point out that the effect of the Bill as it originally stood, and as it was drawn up by Lord Derby's Government, was to place at the absolute disposal of the Secretary of State the whole revenues of India, both in India and England, without any restraint or control whatever. His right hon. Friend the late Sir James

Graham immediately hit the blot, and raised an objection on that point. His right hon. Friend, however, did not complain that the Bill did not restrain the Secretary of State in such great matters as peace and war, but remarked that the measure would give him the uncontrolled power of pensioning any number of persons both in India and England. His noble Friend (Lord Lyveden), who was then in the House of Commons, said he was sure the Committee would think there ought to be some check in this respect on the Secretary for India, who would otherwise possess the most enormous power ever given to any Minister. The clause as it stood (he added) would enable the Secretary of State to distribute the revenues of India among his own political creatures. That remark of Sir James Graham was perfectly correct. Under the former system the Secretary of the Board of Control could not spend a single shilling in England without the consent of the Court of Directors; and it was to obviate that objection that the 41st clause was brought in—and in his opinion most properly—by Lord Stanley. It would not have been right, and it would not be right now, to place an uncontrolled power in any Secretary of State, or in any Government, of disposing of £50,000,000 of revenue. Before the Secretary of State disposed by direct appropriations of such an enormous revenue he ought to consult his Council, and to obtain at least eight votes out of the fifteen. That was the aim and object of all the objections made to the Bill as it originally stood, and it was in order to obviate these objections that the new clause was brought in. If it were the intention of the Government of Lord Derby to go beyond that, and to prevent the Secretary of State and Parliament from deciding the great question of peace or war, they committed a great blunder in acting as they did. With regard to the word "appropriation," used in the Act, he was willing to put the most literal interpretation upon it; but he would ask whether, if it was the intention of Parliament to limit the power of the Secretary of State in the way now contended for by the noble and learned Lord, anything could have been easier than for them to say so, and enact a provision that it should not be lawful for the Secretary of State to order any service in India that would cost money without the consent of his Council. In point of fact, however, they did nothing of the kind. But the noble and learned Lord opposite, and others, might, perhaps ask—"If the Council of India had not this power, what could it veto in regard to expenditure?" He (the Duke of Argyll) believed it had powers very grave and important, and he could mention two or three instances to illustrate the range of these duties, and to show what, in his opinion, was the meaning and intention of Parliament. Take the case of the subsidy recently granted to the Ameer of Cabul. That had a great political object. He apprehended that under the Act of Parliament, as it stood, it would not have been competent to Sir Stafford Northcote to order that appropriation without the consent of his Council; but, as it happened, the order was not given by the Home Government; his noble Friend (Lord Lawrence) gave the subsidy on his own responsibility, and, the money having been paid, it was not in the power of the Council without the consent of the Secretary of State to veto that act. Then there was another case that showed the important and valuable power which, according to his interpretation of the Act, was left in the hands of the Council. The other day his noble Friend (Lord Lawrence) adopted a measure involving expenditure and an appropriation of money. He desired to bring natives of India to this country in order that they might enter the Civil Service under more favourable conditions than hitherto. Accordingly his noble Friend proposed that scholarships of £200 or £300 a year should be given to certain young men in India, and that the gainers of those scholarships should be brought over here to undergo the competitive examination for the Civil Service. That involved questions of expenditure and of principle. It came before the Council of India, where the principle of the appropriation underwent much discussion; but it would not have been in his power nor in the power of Sir Stafford Northcote to order the Government of India to appropriate moneys for such a purpose. The noble and learned Lord opposite (Lord Cairns) had carefully avoided all reference to military expenditure, and he would therefore take as a further illustration a case respecting great public works. The public works of India, such as the great Ganges Canal and the railways now being constructed, involved the payment of large sums, which could not be obtained from the ordinary resources of India — great loans must be raised for the purpose of defraying that expenditure; and, under the existing law again, he apprehended it would not be competent for the Secretary of State to saddle the revenues of India with that expenditure, unless he obtained the consent of a majority of the Council. This was a most important check, which, if his interpretation of the terms of the Act was correct, was left in the hands of the Council. He would mention another case by way of illustration. Some years ago it was determined to abolish the local navy in India. Many members of the Council thought at the time, and he believed still thought, that that was an unwise measure. At this moment he was in communication with the Admiralty for the purpose of adjusting the cost of particular squadrons which might be set aside for the service of the Indian Government — one, for example, in the Persian Gulf. Now, he said, it would be a most monstrous proposition to enable a member of any Cabinet to saddle the revenues of India with an unlimited expenditure for Imperial purposes without bringing it before his Council, and having the support of a majority of that Council in regard to it. That was another case in point. He said it was perfectly right, before the Secretary of State saddled the Government of India with any amount of expenditure for such purposes as those, that he should have to go to the eminent and experienced men by whom he was surrounded and say to them—"Do you think this a purpose which is fit to be charged on the India revenue?" And that if the majority of the Council answered "No," the only recourse the Secretary of State should have would be to appeal to the Government and to Parliament, with whom the final decision in such a case must unquestionably lie. He thought he had shown, then, that the interpretation he put on the words of the Act of Parliament was consistent with the whole stream of statutes since the days of Mr. Pitt—consistent with the objections which were made to the Bill of 1858, as it was brought in by Lord Derby's Government; consistent with the purpose that that Government avowed of obviating those objections; consistent, finally, with leaving in the hands of the Indian Council a real and most important power in financial matters. And he for one, as at present advised, was not disposed to ask Parliament to lower the authority or diminish the power which that Council had in these matters. He must entreat their Lordships to remember that they must look at these things to a certain extent as they were viewed in India; and he believed that nothing would be more unpopular in India than to lay down the doctrine that the Secretary of State had the sole power and authority, without any check—except the check of Parliament—which must necessarily be very imperfect; because the details of Indian administration were not noticed in Parliament, although they might involve millions and millions of money. He said it was not expedient in the eyes of the people of India that the power should exist of saddling them with any amount of expenditure on the sole authority of one Member of the Government, without some assurance that the matter should be fully and fairly considered by men thoroughly acquainted with the affairs of India—men who had the interests of that country sincerely at heart, and whose duty it was to defend those interests. On these grounds he was not prepared to jump at the proposition of the noble and learned Lord opposite, which imposed on the Government the duty of changing the law in respect to a point as to which no proved inconvenience had been shown. [Lord Cairns made a remark which was not heard.] Was he really to understand from the noble and learned Lord that Sir Stafford Northcote believed that he and the Government of the Queen could not in the extremest emergency declare war or move the troops to the frontier without consent of the Council? [Lord Cairns said, that was not the question.] He had asked the noble and learned Lord if he applied his doctrine to the case of peace or war; and being driven logically in a corner, he said—"Yes, I do." And now, when asked whether the late Government would not have been able to order the Governor-General to move the troops to the of Affghanistan, even to resist a Russian frontier invasion, without the assent of a majority of the Council, the noble and learned Lord said that was not the question.

LORD CAIRNS was understood to say his opinion certainly was that the Secretary of State could not, even in the event of an invasion, order the movement of troops or do any act that would cost money, without the consent of his Council.

THE DUKE OF ARGYLL said, until he found that doctrine actually laid down in a judicial manner he declined to accept it. An observation had once fallen from the noble Marquess (the Marquess of Salisbury) as to the solitude of the Secretary of State in regard to the administration of Indian affairs. That observation was perfectly correct. All the other great Departments of the Government were so fully occupied that, in respect to the details of Indian administration, the Secretary of State could not practically be assisted by them, but was obliged to rely upon his Council, and it was a matter of the first importance that the position of the Council should be a high and a strong one. He did not wish its power to be so extensive as the noble and learned Lord seemed to think it was ; but as applicable to the important cases to which he believed it did extend, it was a power which he was not prepared to see taken away or diminished.

THE MARQUESS OF SALISBURY thought the discussion in which they were engaged partook somewhat of an Irish character. They were disputing whether there was a dispute, and doubting whether there was a doubt. He confessed that, after listening to the speeches of the two Cabinet Ministers, he did not see that the difficulties originally suggested by his noble and learned Friend (Lord Cairns) had been in any degree removed. His own belief had been that the Secretary of State for India had no power to pledge the Government of India to the expenditure of a farthing without the sanction of a majority of his Council. He did not mean to say that he could not give orders for particular services to be performed ; but that, without the assent of a majority of his Council, he could not pledge the Indian Government to pay for them. His position was precisely analogous to that of the Crown at home—the Crown had the right to declare war, but the supplies must be granted by the House of Commons. He confessed that he was absolutely unable to draw from what had fallen from the noble and learned Lord on the Woolsack what the law of the the matter was. That noble and learned Lord should remember that it was not an acute lawyer but an ordinary layman who had to discharge the functions of Secretary of State, and that the law ought to be made as clear as possible for his guidance As far as he could understand the noble and learned Lord on the Woolsack, the law amounted to this this—that the Secretary of State might order troops to go to the frontier, which would cost money, but that he might not order the construction of a railway, which would also cost money; and the distinction which he understood the noble and learned Lord to draw between the two cases was that the one involved a matter of high policy and the other did not. [The LORD CHANCELLOR said the noble Marquess had entirely misunderstood his meaning.] Surely it was some proof that the state of the law was doubtful when so distinguished a lawyer as the noble and learned Lord could not explain to the comprehension of an ordinary layman like himself what the law to be carried out really was. The view of the noble Duke (the Duke of Argyll) was plain enough, although strange—namely, that the Secretary of State could not spend money in certain cases without the sanction of his Council, but that the Governor General could. That might be the state of the law; but if so, it was open to this difficulty—that under the mask of the Governor General the Secretary of State might walk round the Act of Parliament. He could not conceive that it was the idea of the noble Duke that the Governor General's independent powers were to be put forward whenever the Secretary of State wished to act without the concurrence of his Council. He was not there, however, to enforce his own interpretation of the law—he only desired to add his own opinion, to that of others who had spoken, that the present state of things was not such as to make a declaratory Act unadvisable. He had risen chiefly to add his entreaties to those already addressed to the noble Duke to consider whether the present state of things was not such as to make some declaratory enactment desirable. He did not ask him to change the law ; he quite concurred in the absolute necessity of some control and a great deal of advice to support the Secretary of State in the difficult duties which he had to perform; but, above all, it was imperatively necessary, where such vast interests were at stake and where so many jealousies might be aroused, that the law should be unmistakeably clear. And when the noble Duke told them there was no doubt about the law, he maintained that about the doubtfulness of the law there could be no doubt whatever When the Lord Chancellor said a thing was black and two ex-Chancellors said it was white, there must certainly be some doubt about the law, and all the eloquence of the noble Duke would not persuade him to the contrary. If the Secretary for India should order an expenditure which the statute forbade, his impression was that the Secretary for India would be liable for that expenditure; and the noble Duke would hardly feel comfortable if he had made two or three mistakes of that kind, and had to pay for them. It was the greatest mistake not to provide proper shelter for oneself because at present there was fine weather. The present Council of India was appointed under unusual circumstances, its Members were selected with great care, and they were all men of very great discretion and ability. But could their Lordships be certain that the same discretion would be always exercised, and that the same harmony which had existed hitherto would continue to prevail hereafter? He submitted that the present state of the law was not satisfactory, and all he asked was to have some words introduced of a declaratory kind, which would remove all difficulty on the subject.

Viscount HALIFAX said, that it was with great regret he had heard this question raised. No practical difficulty had ever arisen. During the six years that he had the honour of being Secretary for India no difficulty of the kind had occurred. He never had proposed anything of consequence to which his Council objected, nor did he remember that there was ever a difference between himself and the great majority of the Council in any matter whatever involving expenditure. He confessed, therefore, that his attention had never been directed to the precise meaning of the words of the statute until the noble Marquess opposite raised the question. He had taken part, as his noble Friend (the Duke of Argyll) had stated, in the debate in the House of Commons in which the clause originated, and his noble Friend had correctly quoted what he then said with respect to salaries and Indian expenditure. The Bill of the Government of Lord Derby was introduced without any check on the power of the Secretary of State to order expenditure; but almost all the House of Commons were perfectly agreed that there should be some limit on the power of the Secretary of State. His noble Friend who sat near him (Lord Lyveden) very truly said in that debate that, if the Secretary for India were without any check at all, it would be giving him the most enormous power which was ever given to a Minister of the Crown, and many Members protested most strongly against such an unlimited power being given. Sir George Lewis, Sir James Graham, and Sir Francis Baring all pointed out that whatever check existed under the old law, as framed by Mr. Pitt, was swept away entirely by the Bill of the noble Lord (Lord Stanley). The noble and learned Lord had said that Lord Palmerston's Bill proposed that there should be no increase of expenditure at all without the consent of four members of the Council, but that number, with the President, constituted, according to his Bill, a majority of the Council. The words of his noble Friend's Bill were "no grant of money," and the words of the present Act were "no grant or appropriation." It was from the interpretation of that word "appropriation" that the whole difficulty had arisen. There was no question that the Secretary of State could not order without the consent of the majority of his Council any grant of money, subsidy, or anything of that kind; but he did not conceive that he was prohibited by the clause from ordering services which would entail expense. That would limit the power of the Secretary of State beyond what was desirable. Of course there must be a limit somewhere; but he thought it would be practically impossible to define, with the precision required in Acts of Parliament, what services might, and what might not, be ordered without the sanction of a majority of the members of Council present. He would say, their Lordships would find it uncommonly difficult to draw such a strict definition as to say what the Secretary for India might and what he might not order. He believed the noble and learned Lord opposite, acute and ingenious as he was, would find it very difficult to draw up such a clause that not only an acute lawyer but, as the noble Marquess had said, an ordinary layman might understand what things might be done by the Secretary for India on the one side, and what should be subject to the check of the Council on the other. There must be some exercise of common sense and common discretion in all these cases. Independent powers could not be exercised to their extreme limit. Everybody knew the powers of the two Houses of Parliament; and yet if they were exerted to the utmost, or even if the rights of individual Members were exercised to the utmost, it would be impossible that Public Business could be carried on. Was it likely that such men as constituted the Council—and he did not believe that they would find any difficulty hereafter in finding men of very much the same character—would be likely without reason or any good cause to oppose the Secretary of State in anything he might think desirable, or that the Secretary of State would urge anything to which they might entertain serious objection. Was it likely that men who had administered districts as large as half-a-dozen counties together would do anything which the Secretary of State might think unreasonable? He confessed he entertained no such fear. As he had said before, he was as strongly in favour as anyone could be of maintaining the position of the Council in all respects, and he quite agreed with those who held that if there was to be any check upon the Secretary of State it must be in the Council. He agreed with the course Sir Stafford Northcote had taken, and which had been followed by the noble Duke in the present Bill, and he thought rightly. Whatever Sir Stafford Northcote's opinion was as to the powers of the Council or the Secretary of State, he did not think it expedient to bring in a Bill to alter the clause as it stood. It was immaterial to his argument whether Sir Stafford Northcote thought the Council or the Secretary of State supreme, for at all events he thought it expedient to leave the clause unchanged. That was the course which the noble Duke had also taken, and which he (Lord Halifax) thought was the wise and proper course.

Motion *agreed to*; Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

MILITIA BILL—(No. 76.)—COMMITTEE.

(*The Lord Northbrook.*)

Order of the Day for the House to be put into a Committee read.

Viscount HARDINGE said, he understood one of the objects of this Bill was to give greater scope to the arrangements with respect to the Militia which had acted so beneficially — namely, placing them in the camp under general officers. He hoped that would be extended wherever practicable, for he was convinced of the necessity of doing everything possible to render the Militia more effective. As to the next point, that relating to officers of the Line and the Militia, he quite approved the provisions of the Bill; but he hoped the measure would be temporary, because he thought the deficiency of officers in Militia regiments was becoming very serious. The Government had done quite right in giving inducements to gentlemen to join the Militia, by the allowance of 4*s.* a day and honorary rank after a certain number of years' service; but he feared that eventually something further might be necessary to secure that object in the way of giving commissions in the Line, as was done during the Crimean War. Retirement upon half-pay he looked upon as an undoubted boon and privilege, and he never had been able to understand why some *quid pro quo* should not be given, by officers placed upon half-pay in the shape of service with the Reserve Forces. If an additional number of men were to be raised he considered that the Militia regiments ought to be recruited up to their full quota; mere economy upon this point could hardly be regarded as productive of efficiency.

The Marquess of EXETER said, that the system of raising men known as General Peel's was not as destructive of the efficient organization of Militia regiments as the plan of volunteering into the Line adopted during the war. He was quite aware of the difficulty of obtaining efficient officers for the Militia. He regarded the proposal to do away with the property qualification of Militia officers as unwise, and injurious in its probable effect; and should be glad if that clause were erased from the Bill. The retiring pension of Militia adjutants, only 6*s*. a day, after, perhaps, forty years' service in the Line and the Militia, was too small; and an increase in the amount would not only, he suggested, be an act of justice to meritorious officers, but one which, by promoting retirements, would tend to increase the efficiency of the service.

THE EARL OF LIMERICK thought that care would have to be taken lest by mixing up two distinct classes of officers some confusion should arise. As regarded the appointment of subalterns, it was quite necessary that something should be done; but it must be borne in mind that slowness of promotion in a local service was a standing difficulty in the way of obtaining the class of officers they desired.

House in Committee.

LORD NORTHBROOK said, that the necessity for the 1st clause, giving power to place the Militia under the command of general officers of the Army, was generally admitted. The 2nd clause was intended to allow of the employment of officers of the Line in training the Militia, but he thought it would practically be found inexpedient to employ any officer for that purpose higher in rank than lieutenant. The 3rd clause abolished the property qualification for Militia officers, which, he thought, might safely be got rid of. The position of adjutants was under consideration. He believed that, in spite of express regulations to the contrary, adjutants frequently paid money for their appointments, but the Secretary for War had it under his consideration how best to put an end to that practice.

Amendments made: The Report thereof to be received on *Monday* next; and Bill to be *printed* as amended. (No. 83.)

RELIGIOUS, EDUCATIONAL, &C. SOCIETIES INCORPORATION BILL [H.L.]

A Bill to facilitate the incorporation of Religious, Educational, Literary, Scientific, and other Charitable Societies or Bodies, and the enrolment of certain Charitable Trust Deeds—Was *presented* by The Lord ROMILLY; read 1ª. (No. 81.)

The Marquess of Exeter

CHILDREN, &C. PROTECTION BILL [H.L.], (NO. 84.) A Bill for the better protection of Children, Servants, and Apprentices: And also

VACCINATION AMENDMENT BILL [H.L.], (NO. 85.) A Bill to further amend the practice of Vaccination:

Were severally *presented* by The Marquess TOWNSHEND; read 1ª.

METROPOLIS LOCAL MANAGEMENT ACTS AMENDMENT BILL [H.L.], (NO. 86.) A Bill to amend the Metropolis Local Management Acts: And also,

METROPOLITAN REGULATIONS BILL [H.L.], (NO. 87.) A Bill to provide Regulations for the government of the Metropolis in certain matters:

Were severally *presented* by The Marquess TOWNSHEND; read 1ª.

EDUCATION OF CHILDREN BILL [H.L.], (NO. 88.) A Bill to make further provision for the Education of Children: And also,

INFANT LIFE PRESERVATION BILL [H.L.], (NO. 89.) A Bill to provide for the better preservation of Infant Life:

Were severally *presented* by The Marquess TOWNSHEND; read 1ª.

House adjourned at Eight o'clock,
till To-morrow, half past
Ten o'clock.

HOUSE OF COMMONS,

Thursday, 29th April, 1869.

MINUTES.]—PUBLIC BILLS—*Ordered*—Sheriffs (York County)*.
Committee—Irish Church [27]—R.P.
Committee — *Report* — Pharmacy Act (1868) Amendment [37-99].
Third Reading—Naval Stores * [88]; Merchant Shipping (Colonial) * [91], and *passed*.

IRELAND—RIOT IN LONDONDERRY.

QUESTION.

SIR FREDERICK HEYGATE said, he wished to ask the Chief Secretary for Ireland, Whether the Government have received official information of a riot last night in the City of Londonderry?

MR. CHICHESTER FORTESCUE said, in reply, that he had received a telegram confirming the statement in the papers respecting a riot last night in the City of Londonderry, which resulted in the loss of two lives, but it added nothing to the information contained in the newspapers.

IRELAND—ASSASSINATION OF CAPTAIN TARLETON.—QUESTION.

Captain ARCHDALL said, he wished to inquire, Whether the Government have received information of the assassination of Captain Tarleton at Athlone?

Mr. CHICHESTER FORTESCUE: I regret to say that I have reason to believe it to be true; but I have no particulars.

STAMP DUTIES EXEMPTIONS.

QUESTION.

Mr. Alderman SALOMONS said, he would beg to ask Mr. Chancellor of the Exchequer, If his attention has been drawn to the exemption from Stamp Duties on mortgages and other instruments, extending even to cheques on their bankers, permitted to cities, towns, and places adopting the Local Government Act, 1858; to inquire how this privilege arises, as it forms no part of the Local Government Act, 1858; and, if such exemptions are allowed, why the principle is not extended to all towns and to all persons that aid public improvements?

The CHANCELLOR of the EXCHEQUER: Sir, the manner in which this exemption arose may be easily explained. It appeared first in the Public Health Act of 1848, by which it was enacted that all the instruments under that Act should be exempt from stamp duty. In 1858 the Local Government Act was passed, which enacted that that and the former Act should be read togther, and thus the claims of exemption were imported into the second Act. When the hon. Gentleman asks why the principle of these exemptions should not be extended, I reply, for the reason that they ought not to exist at all; and that, therefore, I am not willing to extend them. This is an instance of the levity with which large exemptions are inserted in Acts of Parliament, to the injury of the tax-payer in general and the loss of the Revenue.

LICENSE DUTIES ON SERVANTS.

QUESTION.

Mr. W. H. SMITH said, he would beg to ask Mr. Chancellor of the Exchequer, If he will state whether any and what classes of Servants will be subject to the new License Duties who have hitherto been exempt from Assessed Tax?

The CHANCELLOR of the EXCHEQUER said, in reply, that if the hon. Gentleman would look to the 18th clause of the 3rd section of the Act, and take the trouble to compare it with former Acts, he would find that no exemption now granted by those Acts was taken away by the system of Excise Licenses.

CONSTABULARY RETURNS.

QUESTION.

Mr. RYLANDS said, he would beg to ask the Secretary of State for the Home Department, If he will give directions to the Inspectors of Constabulary for the Northern District, and South of England, and South Wales District, to include in their future Annual Reports, Statistical Tables relating to Public Houses and Beer Houses in their respective districts, similar to those furnished annually by the Inspectors of Constabulary for the Eastern Counties, Midland, and North Wales Districts?

Mr. BRUCE said, his attention had been called to the discrepancies referred to in his hon. Friend's Question, and he had directed that for the future the Returns should be made in a uniform manner.

IRELAND—AGRARIAN OUTRAGES.

QUESTION.

Lord JOHN MANNERS said, he wished to ask the Chief Secretary for Ireland, If it is the intention of the Government to take any steps or propose any measures for the better security of Life in the counties of Tipperary and Westmeath?

Mr. CHICHESTER FORTESCUE: Sir, the noble Lord has accurately and justly framed his Question, so as to indicate that the deplorable system of agrarian outrages in Ireland is in the main confined to the counties of Tipperary and Westmeath, or to portions of them. That is, at all events, some consolation; at the same time, I am far from wishing to palliate the state of agrarian crime which exists in some districts of Ireland; and I can assure the noble Lord in the strongest language that this state of things has engaged and will engage the most serious and anxious attention of the Government, and of the Irish Government in particular. There is nothing in the power of the Government which we are not doing and are not willing to do for the purpose of repressing and detecting this state of crime. As an instance, I may say that the powers which have been conferred on the Lord Lieutenant under the Peace Preservation Act (Ireland) with respect to the possession of arms, and to the stationing in any district or locality of an extra force of constabulary, and charging the expense of that force upon the district or locality that ought to bear the burden, are now being used to an extent never before exercised. Beyond that it would be improper, as tending to defeat our object, to state the means which the Government are employing for the purpose of detecting and repressing these dangerous crimes. With respect to the report of the last crime but one, it was probably not of an agrarian character; and as to the last, I have seen the telegram in the public papers, but am unable to give the House any information as to its character.

Mr. GRAVES said, that, inasmuch as the reply of the right hon. Gentleman the Secretary for Ireland to the noble Lord (Lord John Manners) was not consonant with the gravity of the occasion, he would, on the Motion for going into Committee of Supply on the following evening, call the attention of the House to recent events in Ireland.

FACTORY ACTS—HOURS OF LABOUR.

QUESTION.

Mr. MUNTZ said, he would beg to ask the Secretary of State for the Home Department, If his attention has been called to the different regulations of the Inspectors of Factories, whereby in one town manufactories may work till 8 p.m., and in another only until 6 p.m.; and, if it could not be arranged that the rules should be the same in both districts?

Mr. BRUCE: Sir, it is doubtless very desirable, that in the same trades, there should be, as a general rule, uniformity in the hours of labour. But the habits of the workpeople differ in different parts of the country, and absolute uniformity might sometimes be a positive inconvenience. There will in a few days be a Return on the table of the House, showing what modifications of the hours of labour have been allowed in different trades. The subject is a very difficult one, and is having my anxious attention, with the aid of the Inspectors of Factories.

METROPOLIS—NIGHT HOUSES.

QUESTION.

Viscount ENFIELD said, he would beg to ask the Secretary of State for the Home Department, Whether his attenhas been called to the different opinions as to the state of the Law recently expressed by the Middlesex Magistrates, and by the Police Magistrate, Mr. Knox, on the subject of "Night Houses in the Metropolis;" and, if so, whether he is prepared to introduce any measure to render the Law clearer and more definite on this point?

Mr. BRUCE: Sir, The difference of opinion between Sir William Bodkin on the one hand, and Mr. Knox and the police magistrates generally on the other, is not so much on the question of law as on the amount of evidence necessary to justify a conviction under the Refreshment Houses Act. That Act imposes certain penalties on persons licensed to keep refreshment houses who shall "knowingly suffer prostitutes, thieves, or drunken and disorderly persons to assemble at or continue on their premises." The Court of Queen's Bench held that the mere assemblage of prostitutes for no immoral purpose was not within the Act. They might be there for the purpose of obtaining refreshment. Mr. Justice Blackburn, in the ruling judgment on this subject said—

> "I do not think that the mere fact that the persons happen to be prostitutes or thieves would cause their meeting to be an assembling of prostitutes and thieves within the Act. It may be well that a number of thieves and prostitutes may meet, and yet they may not assemble as thieves or prostitutes; but as soon as it is shown that they meet in the capacity of prostitutes or thieves, to the knowledge of the keeper of the house, then the case comes within the provisions of the Act. It is not necessary that prostitution or some act of thieving should be shown to have been actually planned on the premises; but if the assembling is a sort of thieves' club, or the house used as a house of call for prostitutes to meet men, that is sufficient to bring the keeper of the house under the provisions of the Act."

In this opinion Mr. Knox and Sir William Bodkin agree; they differ as to the amount and nature of the evidence necessary to prove the immoral purpose of the assemblage. Mr. Knox thinks that the presence of several known prostitutes in a night-house in the Haymarket for half-an-hour continuously in the company of men, between midnight and one o'clock, was sufficient evidence that they were there for the purposes of their miserable calling. Sir William Bodkin thinks these circumstances not inconsistent with their being there for purposes of refreshment, and demands more positive proof of immoral intention. I may add that I have received a letter from Mr. Serjeant Payne, infoming me that two appeals on the same point will be heard to-morrow at the Sessions House, Westminster. It would be well to await the result of those decisions. Should they coincide with that of Sir William Bodkin, it will be necessary to consider whether it is possible so to amend the Act as to facilitate uniformity of decision, and give effect to its obvious intention.

NAVY—THE GREENWICH SIXPENCE.

QUESTION.

Colonel **SYKES** said, he would beg to ask the First Lord of the Admiralty, Whether the compulsory deductions of sixpence per month from the wages of Merchant Seamen before 1834 for Greenwich Hospital, were transferred to the credit of the Merchant Seamen's Fund on its establishment after 1834; and, if not so transferred, to state how the accumulated deductions for years from the Merchant Seamen have been disposed of; and whether for their benefit, and to what extent?

Mr. **CHILDERS**: In reply, Sir, to the Question of my hon. and gallant Friend, I have to say that no accumulation of deductions from merchant seamen's wages existed before 1834. Those deductions were annually paid into the income of Greenwich Hospital and expended on the maintenance of in-pensioners and the schools. With reference to the Merchant Seamen's Fund, I must correct a misapprehension of my hon. and gallant Friend. It was established in 1731, not 1834; and in the latter year the sixpence a month formerly paid to Greenwich was, instead, paid to the fund; and by the same Act pensions to widows and children of merchant seamen were granted out of the fund. But it does not appear to have been calculated whether the fund would bear them; and, in fact, it became insolvent in 1851, and an Act was passed under which the State undertook its liabilities, taking over about £200,000 of assets. These liabilities, up to the present day, have amounted to £997,000, and are now about £48,000 a year; so that merchant seamen will have received from the Exchequer, under the Acts of 1834 and 1851, above £1,000,000 beyond their contributions to the Merchant Seamen's Fund.

THE O'FARRELL PAPERS. — QUESTION.

Mr. **NEWDEGATE** said, he would beg to ask the First Lord of the Treasury, Whether the Government will lay upon the Table of the House the Report of, and the Evidence taken before, the Committee appointed by the Legislative Assembly of Australia, to consider the Papers with respect to O'Farrell, produced on the Motion of Mr. Parkes?

Mr. **GLADSTONE** said, in reply, that he had learned from inquiry that the Report of the Committee appointed by the Legislative Assembly of New South Wales to consider the Papers with respect to O'Farrell occupied 150 closely-printed pages, and the Government were of opinion that there was not sufficient reason to justify them in putting the country to the expense of re-printing it. But, a copy of the Report would be placed in the library, where the hon. Member might consult it.

CHURCH RATES—PRIVATE ACTS.

QUESTION.

Colonel **FRENCH** said, in the absence of his hon. Friend (Mr. White), he would beg to ask the Secretary of State for the Home Department, Whether, under the fifth section of the Act for the Abolition of Compulsory Church Rates passed last Session, Church Rates are not or may not be made, levied, and enforced, although under another name or form, by virtue of private or local Acts; and, if so, whether Her Majesty's Government is prepared to bring in a Bill to relieve parishes or places from the operation of such Acts, and so give to such parishes or places the full benefit and advantage of the Act of last Session?

Mr. **BRUCE**: I am not aware, Sir, of any cases in which church rates are levied in the manner indicated by the

Question of the hon. and gallant Gentleman. By the Act for the Abolition of Compulsory Church Rates, no church rate can be levied under the authority of any general or local Act, unless either money is due on the security of the rate, or the rate is clearly the equivalent of tithes or other property, or of some valuable consideration which has been surrendered. Unless my hon. and gallant Friend can show that church rates are still levied under circumstances different from these, Her Majesty's Government is not prepared to recommend legislation.

IRELAND—PRISONS.—QUESTION.

Mr. VANCE said, he wished to ask the Chief Secretary for Ireland, If it is the intention of Government to introduce a Prisons Bill for Ireland; and if they have it in contemplation to place the County and Convict Prisons under the same superintendence?

Mr. CHICHESTER FORTESCUE, in reply, said, he hoped a Bill relating to prisons in Ireland would be introduced this Session, either in this or the other House. The important subject of the latter part of the hon. Member's Question was under consideration, but the Government had not yet decided upon it.

RELATIONS WITH CHINA.—QUESTION.

Mr. DILKE said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether his attention has been called to a Telegram, dated Shanghae, March 31st, and published in the London newspapers of yesterday, in which it is stated that, in a Despatch from Sir Rutherford Alcock to the British Consul at Shanghai, the former says that—

> "The Government at Pekin shows no desire for progress, according to Western ideas and desires; but, on the contrary, will not yield to the introduction of any such projects, except under pressure and coercion;"

And, whether such a Despatch from Her Majesty's Minister in China to a Consul has been published by the authority of the Foreign Office?

Mr. OTWAY said, in reply, that the Government had only seen the statement in the papers, and had not authorized its publication. From another portion of the telegram, to which his hon. Friend had not referred, he thought it very likely that no such Despatch had been sent. The China Papers would soon be on the table, and from the first Despatch his hon. Friend would see how clearly Lord Clarendon laid down the policy of this country towards China.

PARLIAMENT—THE IRISH CHURCH BILL —MORNING SITTING.—NOTICE.

Mr. GLADSTONE said, he would give notice that, with a view to making progress in Committee on the Irish Church Bill, and at the same time, to secure ample time for deliberation, he would propose a Morning Sitting on Tuesday. The Sitting would, with the permission of the House, last from two to seven.

IRISH CHURCH BILL—[Bill 27.]

(*Mr. Dodson, Mr. Gladstone, Mr. John Bright, Mr. Chichester Fortescue, Mr. Attorney General for Ireland.*)

COMMITTEE. [*Progress 26th April.*]

Bill *considered* in Committee.

(In the Committee.)

Clause 27 (Enactments with respect to ecclesiastical residences).

Amendment again proposed, in page 12, line 14, to leave out from the word "therein" to the end of the Clause.—(*Mr. Disraeli.*)

Mr. GLADSTONE, in order to obviate any misunderstanding, wished to explain what he apprehended to be the precise effect of the Motion upon which the Committee was to vote. The right hon. Gentleman (Mr. Disraeli) had moved to omit all the words from the fourteenth line of the clause to the end, the practical effect of which would be that no payment was to be taken in respect of the glebe houses in Ireland. Should, however, the Committee negative the Motion—as the Government trusted they would—the effect of that decision would be to determine that some payment should be taken, but would not fix the precise amount of that payment. The question before the Committee did not, therefore, directly raise the question of the amount of the sum which should be taken in respect of glebe houses; but he thought it would be for the convenience of the Committee that he should state the view he took of the second and main part of the clause. In the second part of the clause two kinds of payment were named, corresponding with two classes of glebe houses. In the case of the first class of glebe houses there was no building charge, and, with respect to that class, the clause stipulated that their sites should be sold to the representative body of the Church at the moderate valuation of twelve years' purchase. In his opening statement, however, he had mentioned ten years' purchase as the amount fixed upon by the Government; and, consequently, he had give notice of an Amendment to reduce the terms of purchase to that amount. The question was not a large one as far as money was concerned. The more considerable question arose where there was a building charge, and where there was such charge he asked for the re-payment of it. In the first instance, it would be necessary to liquidate the charge. He did not propose to take a larger sum than a moderate valuation, and proposed that the maximum should be ten years, at the Poor Law valuation of the house together with the site. Looking to what had been said the other night, he wished to submit to the Committee, with great respect for the opinions of those who thought differently from the Government, that the plan he now laid before them was founded upon principles of equity as regarded the Church about to be disestablished. When he had spoken last year of giving the parsonages to the Church he had not been aware of the large sums which the State had been called upon to pay in respect of them, or of the sums which the State would be called upon to pay before it could obtain posseesion of them. The effect of the Bill would be to recoup to the State, not the whole, but a considerable portion of those sums. The Government had been able to trace about £1,200,000 as having been expended for these purposes. Undoubtedly, the value of the glebe houses was greater to the Church than to any other body. The Poor Law valuation of them amounted to about £18,000 or £19,000 per annum, and probably their annual letting value would not exceed £24,000 or £25,000. With regard to the proposition that the glebe houses should be made over without any payment whatever, it should be remembered that they had been a very notable sign and token in the public eye throughout Ireland of the position of the Established Church, and that in many cases, if not hundreds, of cases, they afforded both to the eye and to the mind of the public a contrast between the position of the clergyman of the small minority, who was comfortably—and, in many instances handsomely—lodged, and that of the position of the clergyman of the large majority, who, in very many instances, was wholly without an official residence—if he possessed one he owed it entirely to private sources—and who was, unfortunately, in many cases neither handsomely nor comfortably lodged. In dealing with that matter they had not, on the one hand, wished to put out of view the low marketable value of those houses, nor allowed themselves to be guided by the high figure of the cost incurred in respect to them; on the other hand, they had felt that fidelity to their engagements, with respect to the general principle of the Bill, did require that they should, at all events in respect to the land, which was always marketable, fix some condition in the shape of a price for the possession of the glebe houses; and with respect to the large building charges, which must be paid for by the general fund, they should endeavour, within the limits of equity, to obtain some compensation for the payment. Under these circumstances, the Government—he hoped, without imparting any exaggeration or passion into their view of the case—had deemed it to be their duty to adhere to the clause as it stood with the Amendments they proposed, and of course it would be for the Committee to decide whether that view was right or wrong.

LORD JOHN MANNERS understood the right hon. Gentleman to decline to accede to the appeal of the hon. Member for Rochester (Mr. P. Wykeham-Martin) to hand over the glebe houses without exacting any payment for them. Last year the right hon. Gentleman had given the country to understand that he was prepared to hand over those houses without charge to the Church Body; but he now stated that he was not then aware of certain circumstances with regard to them which had since come to his knowledge, and which had led him, upon reflection, to recommend the Committee to adopt the proposal he now made. So far, he could follow the meaning of the right hon. Gentleman; but, when he came to assign a reason for that recommendation, he must confess he could not follow his meaning. The right hon. Gentleman talked about the necessity of giving back to the State the money which it had expended. But what money had the State expended, beyond the £150,000, to which the right hon. Gentleman made reference for the first time the other night? The right hon. Gentleman talked about having traced an expenditure of £1,200,000 by the State upon these houses, and about being anxious to get back a portion of that sum. It appeared to him that the £1,200,000 was not expended on behalf of the State, but by individual clergymen and laymen interested in the Church of Ireland. Did the right hon. Gentleman come forward and claim the whole of the sums which had been expended by these persons during the last two or three centuries on the glebe houses in Ireland? Such a claim was the most extraordinary rhetorical artifice he had ever heard. The right hon. Gentleman, when asked to do by the glebe houses as he was prepared to do by Maynooth, had refused to do so on the singular ground that, in his opinion, fifteen years ago, Parliament had acted very unjustly towards Maynooth in refusing to continue the annual Vote for the repairs of the College. But the right hon. Gentleman was the last man in the House who could impeach the wisdom of Parliament in refusing that grant, because he had been Chancellor of the Exchequer, and a Member of the Government during the greater part of that period, without having, on any single occasion, proposed to Parliament—as it would have been his duty, under such circumstances, to have done over and over again—a renewal of that grant. Then the right hon. Gentleman told them that if those glebe houses were handed over to the Protestant Episcopal Body free of charge, as he himself last year proposed to hand them over, they would remain as a symbol of that Protestant ascendancy which it was the object of this Bill to put an end to. If that would be the effect of handing over these modest glebe houses, what would be the effect of the gift of the cathedrals and churches? Again, the right hon. Gentleman had said,—and this was the only argument—if argument it could be called—in favour of the proposition of the Government—that, at some remote period, a sum of £152,000 had been voted by Parliament for those glebe houses. But was it not true that a sum of £37,000 or £38,000 had been voted by Parliament for the erection and repairs of the College of Maynooth? If it was just to remit the payment of this latter sum, what became of the argument against handing over those glebe houses founded on the Parliamentary Vote? He ventured to say that the right hon. Gentleman had made out no case for his present proposition, which was a signal departure from the principle which he himself laid down last year when introducing this question of the Irish Church. The answer of the right hon. Gentleman to the significant appeal made to him on Monday night by the hon. Member for Rochester ought to be sufficient to show those simple-minded persons who had pledged themselves to support the right hon. Gentleman that they had handed themselves over bound hand and foot to the Government. They now found that this was a measure without a single provision of a compensatory character.

Mr. BAGWELL said, he did not know that, during the many years he had sat in the House of Commons, he had ever risen to speak under greater difficulty than that which he experienced on this occasion. He believed that if the Government had acceded to the suggestion of his hon. Friend the Member for Rochester (Mr. P. Wykeham-Martin) they would thereby have sent a message of peace and conciliation to the 700,000 members of the Protestant Episcopal Church in Ireland. Who had made that body of 700,000 Protestants? The English Government, at a time when it had not statesmanship enough to rule Ireland as an Irish country, but tried to force upon the Irish people English religion and English law. He was one of the 700,000 to whom he had alluded; but ever since he had been first able to form an opinion on political matters he had been of opinion that the principle of religious equalitywas essential for Ireland. He believed that he had held that opinion before any man on the Treasury Bench, except the right hon. Gentleman the President of the Board of Trade. But was a Church going out on the world without anything in a position of religious equality? Was such a Church in the position of Churches which had been established for hundreds of years? You might as well say to a young man going out to Australia—"Go out and flourish; you will enjoy full liberty, and be on an equality with every one in the colony." Such a young man would soon find himself in a different position from that of persons who had been established in the colony for fifty or sixty years. He was sure he spoke the feeling of the great majority of the 700,000 when he said that if they were compelled to give up their churches and glebe houses they would themselves build handsomer churches and more commodious residences for their clergy. But would not the Government say anything to conciliate these people? This was a paltry matter. He did not care whether the Government took the Bishops' palaces, which were handsome residences, and with the demesnes would fetch a great deal of money; but, as a rule, the glebe houses were miserable residences, single-bodied houses, standing on high hills, and without a bush to shade them. He did not believe any speculator would buy them for the old materials. He was sorry that the right hon. Gentleman at the head of the Government had not listened to the appeal made to him on that side of the House, because the right hon. Gentleman must know how difficult it was for hon. Members who came there pledged to this great measure—pledged to the disestablishment and disendowment of the Irish Church—pledged to make all religions in Ireland equal before the eye of the law—the right hon. Gentleman must know how difficult it was for such Members to give any vote which might seem to present an obstacle to the passing of the Bill. As for himself, he would see every church and every glebe house in Ireland blown up rather than that this Bill should not pass, because he believed that the time for peace, happiness, and good-will in Ireland never would arrive till this question was settled on the principle of complete religious equality. Of course, he knew that anything which he might say on the point now under discussion would be useless; but he must express his opinion that the action of the Government in respect of the glebe houses was not generous or conciliatory.

Mr. BRIGHT said, he was very glad to hear it stated in that House, what he had known before, that his hon. Friend the Member for Clonmel (Mr. Bagwell) had been as great an advocate for religious equality in Ireland as he himself was. He must say, however, that he could not, under any circumstances, agree to any proposition for blowing up the Irish churches and glebe houses. He thought that much better might be done with the glebe houses, and be done with the sanction of all classes in Ireland ultimately, by the proposition contained in this Bill. The hon. Member for Rochester (Mr. P. Wykeham-Martin) and some other hon. Members the other night—he (Mr. Bright) was not present in the House—quoted observations made by him, he was not sure whether in the House of Commons last Session, or in a speech to his constituents at Birmingham. There was nothing that he had said in regard of a gracious and generous treatment of the now Established Church of Ireland that he was anxious or willing to retract; but the Committee must bear in mind that unless they could convey to the minds of the whole of the people of Ireland that they did what they pretended to do—that they dealt with this question in a spirit of perfect equality—they failed in the essential object of the Bill. He believed that nobody — no member of the Roman Catholic Church—who had spoken or written in public on this matter, had disputed the propriety of leaving the Protestant congregations the buildings in which they were accustomed to worship. Nothing, in his opinion, would have been more harsh or unjust than to have disturbed those congregations in the possession of those buildings in which they meet for public worship; but after that it would, he thought, be seen that the congregations had not the same right—indeed he doubted whether they had any right—to contend that Parliament ought to make them a present of the glebe houses. In his proposition, made, if he recollected rightly, not in that House, but at Birmingham, he had, he believed, proposed to give the Church the glebe houses and a certain limited portion of the land. That proposition extended in his mind to this—that a quantity of land not exceeding five acres should be left to the glebe houses. But then he had another proposal, which was, that in taking that course they should deal with the Prebyterians and the Roman Catholics on the same principle. He had even gone so far, as hon. Gentlemen knew, as to make a proposition which many of his friends regarded as most unreasonable and unjust—a proposition which was distasteful to many people in the Church and in general to the Nonconformists—that the House in distributing this fund might make some allowance to each of these three Churches. The Committee would, therefore, see that he was not one of those who desired to be severe, harsh, or unjust towards the Church which was about to be disestablished. Indeed, he suspected that he had just as much sympathy for these congregations and for their faith as any Gentleman sitting opposite. But the Government had a great work to do, and they had to show to every man in Ireland—even to the Protestants themselves if they would ultimately admit it—that they had been actuated by a wish to do complete and equal justice upon this matter to all religions in that country. Now, the basis that he had proposed a year or two since was not acceptable, as he had said—it was so unacceptable that he did not make the proposition in the House—but in the last Parliament the House passed Resolutions and exhibited a spirit which made it absolutely impossible for the Government to submit his plan to Parliament in their Bill, even if they had regarded that plan as a wise one. The present plan, therefore, was the only possible one, and the Government proposed that every life interest should be fully considered. There was no question in the House now upon that point. The Government had done what he thought was admitted to be just and fair. They had given up the churches to the congregations throughout the country. They proposed to give up the glebe houses, subject only to the debts which were due upon them, but they objected, and, in his opinion, they wisely objected, to hand over any land to the new Church, or to make any further provision for it. The question which came on first in this clause with regard to the land for the sites would not be worth disputing about, if it were not for its principle. His hon. Friend the Member for Clonmel (Mr. Bagwell) had spoken about it as if it were a small matter. The question of the sites would not amount to more than £5,000, and, therefore the Committee would see that were it not for the principle involved in it, the Government would not have opposed the appeal of the hon. Member for Rochester (Mr. P. Wykeham-Martin), on the appeals from the opposite side of the House. They did oppose them, because they believed that a just line had been drawn, and that it might lead to other proposals which, if adopted, would materially alter the principle of the Bill. The fact was that the 700,000 people to whom his hon. Friend had referred were not unanimous on this question, but he thought they would feel, as a great political matter, that if the Irish Church were to be disestablished and disendowed, and, if it was hoped that any great results would follow in what he might call the pacification of Ireland, it was not the interest of any Protestant that anything should be done which might destroy that feeling of justice and equality which the Government wished to spread and instil in the minds of the whole Roman Catholic population. The Bill had been considered, as would be seen from its clauses, with a care and minuteness never probably exceeded in the case of any measure submitted to that House. It had been balanced, as far as it could be, with a view to carry out what they believed to be the general opinion of the great body of the people of this country, and he hoped that the Committee, seeing the principle upon which it was founded, the care taken in arranging its clauses, and the general justice and equality involved in them—even if they should think that, on some small points, it would be better to make this change or give away that—would give the Government the credit of having done what they believed to be the best; and, in the hope that they would sustain them in what they had done, he confidently appealed to the majority of the Committee.

Mr. HUNT said, the right hon. Gentleman (Mr. Bright) had told them that this measure was founded on principles of equality; but he did not understand how that could be made out when they considered the difference in the treatment of the Established Church as compared with the treatment of the College of Maynooth. The right hon. Gentleman had told them they would come to the question of Maynooth by-and-by; but he did not think it was for the right hon. Gentleman to say in what order they should consider these questions, or whether they might compare the mode adopted by the Government in dealing with one part of the question with the mode they adopted in dealing with another part. In dealing with the Established Church the Government declared that there was a building charge upon glebe houses, and that those glebe houses could not be handed over without the building charges going with them, But in the case of the College of Maynooth there was also a building charge which the Government proposed to excuse altogether. If they dealt with the subject on principles of equality, why should the debt on the College of Maynooth be excused, while the debt on the glebe houses was exacted from the Church Body? When the Bill was last under discussion, the Prime Minister had said it would be a breach of faith on the part of Parliament if they did not pay the charge on Maynooth, and he said, moreover, that it was the original intention of Sir Robert Peel that these charges should be paid. But the question did not concern Sir Robert Peel; in fact, in the language of the day, they might say that it was merely an expression of opinion on the part of Sir Robert Peel; it was a question of the action of this House, which, in 1853, deliberately refused to pass a Vote for repairing the College of Maynooth, and since that time the Vote had never been proposed. It was, therefore, the deliberate intention of Parliament and of successive Governments to pass no Vote for that purpose, and the College of Maynooth ever since had had to go to the Public Works Loan Commissioners to obtain loans for the purpose of carrying on repairs. Was Parliament now to treat Maynooth as though that Vote had been going on ever since, while it treated the Established Church in so different a fashion? If so he could see no such equality in the treatment of the two as the right hon. Gentleman had spoken of.

COLONEL GREVILLE-NUGENT said, he was surprised that the hon. Member for Clonmel (Mr. Bagwell) should find fault with the Government for adhering to the clause, while at the same time he told the House that he was pledged to disendowment. If the Government were to hand over the glebe houses in the manner proposed, it would amount to a re-endowment of the Church. If all denominations could be endowed in the same manner he (Colonel-Greville Nugent) would have no objection to it; but that would be against the principle of the Bill, which was a measure for general disendowment.

SIR GEORGE JENKINSON said, he could hardly understand how it was that so much confusion in the matter of figures had been introduced into this question. According to one estimate the glebe houses were valued at £1,200,000; according to another the value was put at £250,000; a third estimate gave the amount at £24,000; and the latest estimate, just put forward by the right hon. Gentleman opposite (Mr. Bright) was £5,000. It was, however, a question more of principle and of feeling than of money. The right hon. Gentleman the First Minister of the Crown had spoken of broken faith in connection with the College of Maynooth. "Broken Faith!" Why, what is the whole of this Bill—from beginning to end—but one gigantic act of "broken faith?" Broken faith with the Act of Union; broken faith with the Coronation Oath; broken faith with the whole body of loyal Protestants throughout the whole of Ireland, and with the clergy and curates, who had spent their money in education for the profession which they had undertaken, and who were now to be left without the means of furthering their prospects. On the question of equality and justice, of which so much capital had been made, he would ask what equal justice was there in giving the Roman Catholic College of Maynooth fourteen years' purchase of their Parliamentary Grant, which would amount to an annual endowment of £12,000 or £18,000, according to the mode of investment, and giving to the Protestant clergymen only a life interest in the Irish Church? This measure had been called a message of charity, of conciliation, of pacification. To whom was it a message of pacification? Was it to the Fenians? They do not accept it in that spirit. Was it to those who committed the agrarian outrages which were so frequent? Their acts seem to tell us a different story. Was it a message of pacification to the loyal Protestants of Ulster, or to the clergy of Ireland? I shall be much surprised if it be viewed in that light by them. He could not understand how such language could be applied to such a measure. As to its being a measure of charity, it was curious charity to take money from the Protestant Church in order to give it to the Roman Catholics and to lunatics. It was not charity to give away other people's money. They should remember two good old proverbs—"Charity begins at home," and "Be just before you are generous." He hoped the right hon. Gentleman at the head of the Government would not think it too late to change his mind, but would give the clergy of Ireland their glebe houses, with the gardens and land attached to them.

Mr. G. H. MOORE said, he was glad they reported Progress on Monday, because the discussion which then ensued and that which had occurred since was worthy consideration and re-consideration. He had considered and re-considered, and the result in his own mind was that the glebe houses rested upon a totally different basis from other endowments with which the Bill dealt. No one could reasonably accuse him of any proclivity towards the Irish Church Establishment. A Catholic who paid tithes in seven parishes in which there was neither church, minister, congregation, nor Protestant communion was not likely to feel much favour towards the Establishment, nor could an Irishman, who for more than twenty-five years had denounced the Irish Church as the fount and origin of all the miseries of Ireland, consistently falter in the work of disendowment. At the same time he thought that disendowment should be carried out not only with a strict regard to justice, but also with much consideration for the feelings of the men affected by it. He was not prepared on this occasion to go into the question of divorce of Church and State upon the strict principles of the system of double entry. Whether the building fund had been paid, what amount of the building fund had been paid out of the resources of the Church, and what amount had been paid out of the resources of the State, and what might be the market value of the glebes compared with their original cost, were matters upon which he intended to say nothing, although there was much to say; he preferred to deal with the matter upon the larger and nobler grounds upon which honourable men were accustomed to act in other matters. Viewing the matter in that light, he saw a great difference between depriving a man of his estate on a question of title and turning him out of doors. These glebe houses—the prices of which they were higgling about—were the old homes of the Protestant clergy of Ireland, and in this respect we ought to acknowledge the prescriptive right of occupation they have, though it be only an occupation of 300 years, and even though those 300 years may have been years of spoliation and oppression. He would, therefore, be inclined, and he hoped his co-religionists in Ireland would join him, in an appeal to the Government to make a concession to the Protestants and clergy of Ireland, even if it were only as a mark of consideration and good-will. He did not think the Catholics in Ireland had ever been wanting in consideration and good-will to the Protestant clergy in Ireland, whenever they had shown consideration and good-will to the Catholics, and this had been generously and justly acknowledged. An archdeacon, writing from Ireland, said that not only had the Catholics of Ireland always acted towards their Protestant fellow-countrymen with consideration and good-will, but never was that consideration and good-will more favourably shown than now in their period of trial. Such consideration and good-will it should now be their business to show. While he had no sympathy with the Protestant faith, he had every sympathy with the Protestants, and he intended to show it. It had been said by the President of the Board of Trade that the Government could not make the concession asked for in accordance with the principles of religious equality. If religious equality meant equality of wealth between two denominations, the Bill would not, under any circumstances, confer that. Whatever the Bill might do, the Protestants and the Protestant clergy would be richer than the Catholics; but, if this concession would tend to produce an equality of charity and good-will towards each other, then it would be a great boon to Ireland.

Mr. O'REILLY said, he felt it necessary to say at once and emphatically that he could not join in the appeal of the hon. Gentleman who had just sat down. He did not think the Roman Catholics of Ireland generally would join in that appeal to make a free present of the glebe houses of Ireland, not to their present occupiers, but to the Disestablished Church. The hon. Gentleman said they ought to be slow to turn the clergymen out of their houses. But this Bill did not propose to turn any man out of his home. If it did he would oppose it. Every family dwelling in those glebe houses would still dwell in them. They were their homes, and would continue so; the only question was whether those houses were to become the property, not of those who inhabited them, but of the Disestablished Church. As to the question of the sites he could join with the hon. Gentleman in saying that the Roman Catholics of Ireland had not shown any spirit of captious objection to the concessions proposed by this Bill. They had fully assented to the proposal for giving the churches to the Protestant congregations, and had not stopped to point out how many churches there were in which no congregations at all, or utterly insignificant congregations, worshipped. He wished to point out how practically this matter would be viewed in relation to equality of treatment of the different religious bodies in Ireland. To the Roman Catholics and Presbyterians they gave no sites, or houses, or lands, and no special facilities for acquiring them. To the Episcopal Church, however, the existing glebe houses were handed over, but where a debt existed the Church was to pay a small purchase money. If the Roman Catholics did not cavil with this, it certainly ill became those to whom it was given to clamour for more. In his own parish the Roman Catholics were three-fourths, and certainly not the richest, of the population. With considerable difficulty they had within the last year raised, by voluntary subscription among themselves, a sum of £1,000 to build a house for their clergyman. They had great difficulty in finding a site; the Legislature afforded them no assistance, and they would leave a debt on the building which the Legislature would not assist them to discharge. Within a very short distance stood the rectory, with a very valuable house, which could not be rebuilt for £2,000. They did not grudge that to their Protestant neighbours. They were content they should have it; but it was not too much that they should recognize the principle of paying a small sum—say £60—for the site. He thought that was a very small concession to the principle of equality; anything else would be a departure from the principle of the Bill; and if, even in a small matter, they tampered with its principle, they would find themselves, when dealing with other Amendments, and Amendments made, perhaps, elsewhere, involved in interminable difficulties.

Mr. RAIKES said, he must call attention to the very conjectural character of the legislation which this clause proposed. They were asked to prescribe the conditions of action between a Commission not yet named, which was only in embryo, and a Church Body not even in embryo, which might never have existence or funds to carry out the object in view. In fact, they seemed to be dealing with that question in a spirit very similar to that of a proposal which he had lately seen put forward for the union of the two branches of the house of Bourbon in Spain, and the purport of which was that a daughter of the head of the Carlist party should be married to the Prince of the Asturias, while there was this difficulty in the way of the arrangement, that the bride had not yet been born. Why not adopt the very moderate concession, departing to a very small extent from the principle of the Bill, and assented to by many of the Roman Catholic Members, that the glebe houses should be handed over to the Church Body without payment? He had expected that the Government would have been prepared to make some concessions on this subject which would not have done them any harm in Ireland. He did not know what influence had been brought to bear; but it was hard and unfair for the Church Body to be called on to defray these building charges when the Government proposed to take away the property of the Church. It was only fair that they should at the same time take upon themselves the charges to which that property was liable. George Herbert, addressing his successor in a vicarage, said—

> "If thou should find a house built to thy mind
> within thy cost,
> Serve thou the Lord, give to the poor; my
> labour is not lost:"

and that was the labour which they were about to take from the Church.

Sir JOHN ESMONDE said, that although he had numerous connections among the Roman Catholics in Ireland yet he did not know of one who was in favour of this Amendment. They wanted equality, but they desired that it should be obtained in the most merciful manner towards those who differed from them, and without surrendering one particle of principle. They felt very grateful to the right hon. Gentleman at the head of the Government for having persevered in carrying it out, and he would find that instead of losing by it he would gain the hearty support of the people of Ireland. He should support the clause as it stood

SIR GEORGE GREY said, he felt the great difficulty in which the Government were placed in dealing with this question; but he could not help expressing his wish that, consistently with their duty, they might consider themselves justified in deferring, in some measure, at least, to the opinion of many Members on that side of the House who had given them a constant and steady support through all the stages of the Bill. He thought they might have drawn a distinction between ecclesiastical residences that were subject to no building charge, and those that were subject to such a charge. With regard to the latter class, the proposal of the Government was perfectly defensible, and to surrender those glebes which had no building charge without exacting payment would be, in fact, endowing again the Disestablished Church to the amount of that charge. But, with regard to those residences which were subject to no building charge, it was hardly worth while to contend for the principle laid down by the Government. They said that if these glebes were given to the Disestablished Church it would be *pro tanto* an endowment. But the Government took credit for offering them to the Disestablished Church on terms far below their real value. Now, if that were so, their principle would not be fully carried into effect, and they must upon their own assumption expect that dissatisfaction would be created by their parting with that property for prices much below what they would fetch in the open market. With regard to the Amendment before the Committee, he had no hesitation in voting against it, because his right hon. Friend (Mr. Gladstone) had clearly shown that if the Committee adopted it and omitted the words, the whole of the residences, including those which were subject to the building charge, would necessarily be given to the Disestablished Church without exacting any payment for them. By voting against the Amendment of the right hon. Gentleman opposite (Mr. Disraeli)—which was the only question before the Committee—they left open the other question as to whether any distinction should be made between the two classes of residences. Upon this point he should be glad to find that the Government were prepared to make some concession. ["No!"] He knew there was some difference of opinion between hon. Gentlemen on that side of the House; but they would excuse him if he and others who sat near him, and who were anxious to give the Government the utmost support in carrying this measure, differed from them on this point. He felt bound to add that he entirely concurred in the equity, justice, and policy of the proposal made by his right hon. Friend the President of the Board of Trade at Birmingham, that these residences should all be given to the Disestablished Church, and that the principle of equality should be carried into effect by also giving residences both to the Roman Catholic and Presbyterian clergymen. He could not help thinking that they had been rather hasty in assuming that to carry out such a proposition was impossible, and that there had been a want of moral courage in abstaining from dealing with this question, and taking the sense of Parliament upon it. And although he believed there was a strong prejudice in the country against what was supposed to be the endowment of a Church holding doctrines which so large a portion of the people believed to be erroneous, yet such an arrangement would have been distinct from an endowment in the ordinary sense of the word, and would have had the effect of producing religious equality more fully than will otherwise be the case. He did not know whether it was now too late for such a plan to be considered; but he thought that if it were carried out it would afford by far the best solution of the question.

THE O'CONOR DON said, he agreed with his right hon. Friend the Member for Morpeth (Sir George Grey) that the adoption of the proposal of the right hon. Gentleman the President of the Board of Trade would establish perfect religious equality, and to such a proposal he would offer no opposition, but that was not the question before the House. What would happen if the Government gave way upon the present question? There would then be places in Ireland where the Roman Catholics could not even obtain a site for erecting a church or a building for their clergymen, while another religious body, which comprised but a comparatively small portion of the population, would have obtained, free of all expense, a church and a residence for their minister. The right hon. Gentleman the Member for Northamptonshire (Mr. Hunt) had alluded to the Maynooth Grant. Now, he (The O'Conor Don) did not think that was the proper time for entering into any general discussion of that subject. But, as one of the trustees of Maynooth College, and on behalf of the Roman Catholics of Ireland, he would make a fair offer to the right hon. Gentleman. They were quite willing that the proposed remission of its debt to Maynooth College, and the proposed giving over of the buildings of that College to the trustees, should be expunged from the Bill, and that the College and all its offices and buildings should be put up for sale and disposed of as the Government might think fit, provided the same measure was extended to all the churches and glebe houses of the Established Church in Ireland. He would also make this further offer—that if the money which had been expended on the erection of Maynooth College and its appurtenances, exclusive of the sums granted by Parliament either for their erection or maintenance, were re-paid to the trustees of the Roman Catholic body in Ireland, they would be ready to hand over those buildings the moment the Bill came into operation. They would, in fact, rather receive back the money expended on the buildings from other sources than Parliamentary Grants, than to have such large, and, to some extent, unsuitable erections thrown upon their hands when the Parliamentary Grant was withdrawn. When so much was said, therefore, of the advantages to Roman Catholics of Maynooth, it was sufficient to say that they were willing to give up all those advantages on being re-paid the money expended from sources other than the Parliamentary Grants made for this purpose on the buildings of the establishment.

Mr. STEWART HARDY pointed out that the Committee had wandered from the question which had been put from the Chair, and to which he proposed to address himself. The hon. Member for Rochester (Mr. P. Wykeham-Martin) did not, apparently, so much object to the proposal of the Government upon its merits as to feel that, in quoting the expressions made use of by the now Prime Minister, he had pledged himself to do all in his power to hand over the glebe houses to the Church Body without any payment whatever being made for them. Hon Members on the other side of the House could not have forgotten those expressions, and, if they did, those on his side of the House well remembered the use that was made of those expressions during the contest last year. The question was, whether the supporters of the Government were bound by the expressions they made use of in the country to hand over the glebe houses without any further payment. The questions of equality and justice had nothing to do with the matter; it was a question of conscientiousness. The right hon. Gentleman at the head of the Government had stated that further information had led him to believe he was wrong in his anticipations, and that he was, therefore, not bound by what he had before said. The conscience of the hon. Member for Rochester appeared to be more tender, and he had no doubt many others felt with him that they were being placed in a false position by being urged by their Leader to go back from what they had said in canvassing, if not in their speeches, during the contest last year. In the name of the Opposition he thanked the hon. Member for Mayo (Mr. G. H. Moore) for the only kind word for the Irish clergy, backed by the offer of a deed which had come from the Government side of the House during this debate; and he thanked the Committee for the hearing accorded to him.

Sir JOHN GRAY appealed to the Government not to abandon a vital principle of the Bill. If the right hon. Gentleman (Mr. Bright) who had suggested that an equal amount of glebe lands be given to Catholics, Presbyterians, and Wesleyans, and that the existing Protestant glebe houses and lands form the standard, as to amount, he could understand the proposition as one based on the principle of equality. But that was not his proposition. The suggestion made upon the other side was that the glebe houses were built by the incumbents, and were their own—not State property or part of the public fund enjoyed by the State Church. If that were so, why did not the heirs of the builders claim and retain them. But it was not so. These houses were all built as part of a contract with the State. When the incumbent came into possession, he came in on the condition of building a parochial residence, or maintaining it if built. That is the law to this day; it was the law at all times, and the old charters of the first Charles, under which such large grants of the glebe lands were given to the Church in Ulster out of the lands of the Catholic owners who were expelled, conveyed these lands on the express condition that a parochial residence be built "within three years," and maintained in good repair. All the charters contained a covenant that the incumbents and "their successors, rectors and vicars" should build houses "of stone or brick, with lime and mortar;" and in default, that the King should enter, seize the issues, and profits by the dean, archdeacon, and two justices of the peace, and expend the same in building mansions. In all the grants and in every Act now in force, down to the Act of 1851, known as Napier's Act, the identical principle of sequestration in case of default was included. The glebe houses, then, were as much parts of public property as the glebe lands, for the incumbent got the land and incumbency on the condition of building a house and maintaining it for himself and handing it down to his successors in good repair. But they had been told it was ungenerous not to give up the glebe houses in *globo.* He wished to remind the Committee that all the houses that were not incumbered with building charges, were, under the Bill, to be handed over, free of charge, to the new body. The Commissioners would have to pay the building charges, wherever they existed; and to hand them over, without purchase, would not only be giving a present, as was the case with the uncharged houses, but would be buying with public money from private individuals, in order to make gifts to the Church community. These building charges were due to the heirs of the incumbents by the succeeding incumbents, and would not go back, in any form, to the State. The public must pay them; and having paid them it was not consistent with the principle of the Bill to hand over the purchased property as a new endowment for the Church, and he hoped the Government would not do it.

Sir John Gray

Question put, "That the words 'upon the payment to the Commissioners of such sum as is hereinafter mentioned, that is to say,' stand part of the Clause."

The Committee *divided:*—Ayes 318; Noes 227: Majority 91.

AYES.

Acland, T. D.
Agar-Ellis, hn. L. G. F.
Akroyd, E.
Allen, W. S.
Amcotts, Col. W. C.
Amory, J. H.
Anderson, G.
Anstruther, Sir R.
Antrobus, E.
Armitstead, G.
Ayrton, A. S.
Aytoun, R. S.
Backhouse, E.
Baines, E.
Baker, R. B. W.
Barry, A. H. S.
Bass, M. A.
Baxter, W. E.
Bazley, T.
Beaumont, Capt. F.
Beaumont, S. A.
Beaumont, W. B.
Bentall, E. H.
Biddulph, M.
Blake, J. A.
Blennerhassett, Sir R.
Bolckow, H. W. F.
Bonham-Carter, J.
Bouverie, rt. hon. E. P.
Bowring, E. A.
Brady, J.
Brand, right hon. H.
Brassey, H. A.
Brewer, Dr.
Bright, rt. hon. J.
Bright, J. (Manchester)
Brinckman, Capt.
Brocklehurst, W. C.
Brown, A. H.
Bruce, Lord C.
Bruce, rt. hon. H. A.
Buller, Sir E. M.
Burke, Viscount
Bury, Viscount
Cadogan, hon. F. W.
Campbell, H.
Candlish, J.
Cardwell, rt. hon. E.
Carington, hon. Cap. W.
Carnegie, hon. C.
Carter, Mr. Alderman
Cartwright, W. C.
Castlerosse, Viscount
Cave, T.
Cavendish, Lord F. C.
Cavendish, Lord G.
Chadwick, D.
Chambers, M.
Chambers, T.
Childers, rt. hn. H. C. E.
Cholmeley, Capt.
Cholmeley, Sir M.
Clay, J.
Clive, Col. E.
Cogan, rt. hn. W. H. F.
Colebrooke, Sir T. E.
Coleridge, Sir J. D.
Collier, Sir R. P.
Colthurst, Sir G. C.
Cowen, J.
Cowper, hon. H. F.
Craufurd, E. H. J.
Crossley, Sir F.
Dalglish, R.
Dalrymple, D.
D'Arcey, M. P.
Davie, Sir H. R. F.
Davies, R.
Davison, J. R.
Delahunty, J.
De La Poer, E.
Denison, E.
Denman, hon. G.
Dent, J. D.
Devereux, R. J.
Dickinson, S. S.
Digby, K. T.
Dilke, C. W.
Dillwyn, L. L.
Dixon, G.
Dodds, J.
Downing, M'C.
Dowse, R.
Duff, M. E. G.
Duff, R. W.
Dundas, F.
Edwardes, hon. Col. W.
Edwards, H.
Egerton, Capt. hon. F.
Enfield, Viscount
Ennis, J. J.
Erskine, Vice-Ad. J. E.
Esmonde, Sir J.
Ewing, H. E. C.
Eykyn, R.
Fagan, Captain
Fawcett, H.
FitzGerald, right hon. Lord O. A.
Fitzmaurice, Lord E.
Fletcher, I.
Fordyce, W. D.
Forster, C.
Forster, rt. hon. W. E.
Fortescue, rt. hon. C. P.
Fortescue, hon. D. F.
Fothergill, R.
Fowler, W.
Gavin, Major
Gilpin, C.
Gladstone, rt. hn. W. E.
Gladstone, W. H.
Goldsmid, Sir F. H.
Gower, hon. E. F. L.

Gower, Lord R.
Goschen, rt. hon. G. J.
Gourley, E. T.
Graham, W.
Gray, Sir J.
Gregory, W. H.
Greville, Captain
Greville-Nugent, Col.
Grey, rt. hon. Sir G.
Grieve, J. J.
Grosvenor, Earl
Grosvenor, Lord R.
Grosvenor, Capt. R. W
Grove, T. F.
Hadfield, G.
Hamilton, E. W. T.
Hamilton, J. G. C.
Harcourt, W. G. G. V. V.
Hardcastle, J. A.
Harris, J. D.
Hartington, Marquess of
Hay, Lord J.
Headlam, rt. hon. T. E.
Henderson, J.
Henley, Lord
Herbert, H. A.
Hoare, Sir H. A.
Hodgkinson, G.
Holms, J.
Hoskyns, C. Wren-
Howard, hon. C. W. G.
Howard, J.
Hughes, T.
Hughes, W. B.
Hutt, rt. hon. Sir W.
Hyde, Lord
James, H.
Jardine, R.
Johnston, A.
Johnstone, Sir H.
King, hon. P. J. L.
Kinglake, J. A.
Kingscote, Colonel
Kinnaird, hon. A. F.
Kirk, W.
Knatchbull-Hugessen, E. H.
Layard, rt. hon. A. H.
Lambert, N. G.
Lawrence, J. C.
Lawrence, W.
Lawson, Sir W.
Lea, T.
Leatham, E. A.
Lee, W.
Lefevre, G. J. S.
Lewis, J. D.
Lloyd, Sir T. D.
Loch, G.
Locke, J.
Lorne, Marquess of
Lowe, rt. hon. R.
Lush, Dr.
Lusk, A.
Lyttelton, hon. C. G.
M'Arthur, W.
M'Clean, J. R.
M'Clure, T.
M'Combie, W.
MacEvoy, E.
Macfie, R. A.
Mackintosh, E. W.
M'Lagan, P.
M'Laren, D.
M'Mahon, P.
Maguire, J. F.
Maitland, Sir A. C. R. G.
Magniac, C.
Marling, S. S.
Martin, C. W.
Martin, P. W.
Mathews, H.
Miall, E.
Milbank, F. A.
Milton, Viscount
Moncreiff, rt. hon. J.
Monk, C. J.
Monsell, rt. hon. W.
Moore, C.
Morgan, G. O.
Morley, S.
Morrison, W.
Mundella, A. J.
Muntz, P. H.
Murphy, N. D.
Nicol, J. D.
North, F.
Norwood, C. M.
O'Brien, Sir P.
O'Conor, D. M.
O'Conor Don, The
O'Donoghue, The
Ogilvy, Sir J.
O'Loghlen, rt. hon. Sir C. M.
Onslow, G.
O'Reilly, M. W.
O'Reilly-Dease, M.
Otway, A. J.
Palmer, J. H.
Parker, C. S.
Parry, L. Jones-
Pease, J. W.
Peel, A. W.
Pelham, Lord
Pim, J.
Platt, J.
Playfair, L.
Plimsoll, S.
Pochin, H. D.
Pollard-Urquhart, W.
Portman, hon. W. H. B.
Potter, E.
Potter, T. B.
Power, J. T.
Price, W. E.
Ramsden, Sir J. W.
Rathbone, W.
Rebow, J. G.
Reed, C.
Richard, H.
Robertson, D.
Roden, W. S.
Rothschild, Brn. L. N. de
Rothschild, Brn. M. A. de
Rothschild, N. M. de
Russell, A.
Russell, F. W.
Russell, H.
Rylands, P.
St. Aubyn, J.
St. Lawrence, Viscount
Salomons, Mr. Ald.
Samuda, J. D'A.
Samuelson, B.
Samuelson, H. B.
Sartoris, E. J.
Scott, Sir W.
Seely, C.
Shaw, R.
Shaw, W.
Sherlock, D.
Sherriff, A. C.
Simeon, Sir J.
Simon, Mr. Serjeant
Smith, J. B.
Smith, T. E.
Stanley, hon. W. O.
Stansfeld, rt. hon. J.
Stapleton, J.
Stepney, Colonel
Stevenson, J. C.
Stone, W. H.
Strutt, hon. H.
Sullivan, rt. hon. E.
Sykes, Colonel W. H.
Synan, E. J.
Talbot, C. R. M.
Taylor, P. A.
Tite, W.
Tollemache, hon. F. J.
Torrens, R. R.
Tracy, hon. C. R. D. H.
Trelawny, Sir J. S.
Trevelyan, G. O.
Verney, Sir H.
Villiers, rt. hon. C. P.
Vivian, A. P.
Vivian, Capt. hn. J. C. W.
Walter, J.
Wedderburn, Sir D.
West, H. W.
Westhead, J. P. B.
Whalley, G. H.
Whatman, J.
Whitbread, S.
White, hon. Capt. C.
Whitwell, J.
Whitworth, T.
Williams, W.
Williamson, Sir H.
Willyams, E. W. B.
Wingfield, Sir C.
Winterbotham, H. S. P.
Woods, H.
Young, A. W.
Young, G.

TELLERS.

Glyn, G. G.
Adam, W. P.

NOES.

Adderley, rt. hn. C. B.
Allen, Major
Amphlett, R. P.
Annesley, hon. Col. H.
Archdall, Capt. M.
Arkwright, A. P.
Arkwright, R.
Bagge, Sir W.
Bailey, Sir J. R.
Ball, J. T.
Baring, T.
Barnett, H.
Barrington, Viscount
Barttelot, Colonel
Bateson, Sir T.
Bathurst, A. A.
Beach, Sir M. H.
Beach, W. W. B.
Bective, Earl of
Benyon, R.
Booth, Sir R. G.
Bourke, Hon. R.
Bright, R.
Brise, Colonel R.
Broadley, W. H. H.
Brodrick, hon. W.
Bruce, Sir H. H.
Bruen, H.
Buckley, Sir E.
Burrell, Sir P.
Butler-Johnstone, H. A.
Cameron, D.
Cartwright, F.
Cave, right hon. S.
Cawley, C. E.
Cecil, Lord E. H. B. G.
Chaplin, H.
Charley, W. T.
Child, Sir S.
Clifton, Sir R. J.
Clive, Col. hon. G. W.
Clowes, S. W.
Cole, Col. hon. H. A.
Collins, T.
Conolly, T.
Courtenay, Viscount
Crichton, Viscount
Croft, Sir H. G. D.
Cross, R. A.
Cubitt, G.
Curzon, Viscount
Dalrymple, C.
Damer, Capt. Dawson-
Dawson, R. P.
De Grey, hon. T.
Denison, C. B.
Dimsdale, R.
Disraeli, rt. hon. B.
Dowdeswell, W. E.
Du Pre, C. G.
Dyott, Colonel R.
Eaton, H. W.
Egerton, hon. A. F.
Egerton, E. C.
Egerton, Sir P. G.
Egerton, hon. W.
Elliot, G.
Elphinstone, Sir J. D. H.
Ewing, A. O.
Fellowes, E.
Figgins, J.
Finch, G. H.
Floyer, J.
Foljambe, F. J. S.
Forde, Colonel
Forester, rt. hon. Gen.
Fowler, R. N.
Galway, Viscount
Gilpin, Colonel
Goldney, G.
Gooch, Sir D.
Gore, J. R. O.
Gore, W. R. O.
Grant, Col. hon. J.
Graves, S. R.
Gray, Lieut.-Col.
Greaves, E.
Greene, E.

Gregory, G. B.
Guest, A. E.
Gurney, rt. hon. R.
Hambro, C.
Hamilton, Lord C.
Hamilton, Lord G.
Hamilton, I. T.
Hamilton, Marquess of
Hardy, rt. hon. G.
Hardy, J.
Hardy, J. S.
Hay, Sir J. C. D.
Henley, rt. hon. J. W.
Henniker - Major, hon. J. M.
Henry, J. S.
Herbert, rt. hn. Gen. P.
Hermon, E.
Hervey, Lord A. H. C.
Hesketh, Sir T. G.
Heygate, Sir F. W.
Hick, J.
Hildyard, T. B. T.
Hill, A. S.
Hoare, P. M.
Holford, R. S.
Holmesdale, Viscount
Hood, Captain hon. A. W. A. N.
Hope, A. J. B. B.
Hornby, E. K.
Howes, E.
Hunt, right hn. G. W.
Hutton, J.
Ingram, H. F. M.
Jenkinson, Sir G. S.
Jervis, Colonel
Jones, J.
Kavanagh, A. M.
Kekewich, S. T.
Keown, W.
Knight, F. W.
Knightley, Sir R.
Knox, hon. Colonel S.
Langton, W. H. P. G.
Lefroy, A.
Legh, W. J.
Lennox, Lord G. G.
Lennox, Lord H. G.
Liddell, hon. H. G.
Lindsay, hon. Col. C.
Lindsay, Col. R. L.
Lopes, H. C.
Lopes, Sir M.
Lowther, J.
Lowther, W.
Malcolm, J. W.
Manners, Lord G. J.
Manners, rt. hon. Ld. J.
March, Earl of
Meller, Colonel
Mellor, T. W.
Milles, hon. G. W.
Mills, C. H.
Mitford, W. T.
Montagu, rt. hn. Lord R.
Moore, G. H.
Morgan, C. O.
Morgan, hon. Major
Mowbray, rt. hn. J. R.
Neville-Grenville, R.
Newdegate, C. N.
Newport, Viscount
North, Colonel
Northcote, right hon. Sir S. H.
O'Neill, hon. E.
Paget, R. H.
Pakington, rt. hn. Sir J.
Palk, Sir L.
Palmer, Sir R.
Parker, Major W.
Peek, H. W.
Peel, rt. hon. Sir R.
Pell, A.
Pemberton, E. L.
Percy, Earl
Phipps, C. P.
Raikes, H. C.
Read, C. S.
Ridley, M. W.
Round, J.
Sandon, Viscount
Saunderson, E.
Sclater-Booth, G.
Scourfield, J. H.
Selwin - Ibbetson, Sir H. J.
Seymour, G. H.
Shirley, S. E.
Sidebottom, J.
Simonds, W. B.
Smith, A.
Smith, F. C.
Smith, R.
Smith, S. G.
Smith, W. H.
Stanley, hon. F.
Stanley, Lord
Starkie, J. P. C.
Stopford, S. G.
Stronge, Sir J. M.
Sturt, H. G.
Sturt, Lieut.-Col. N.
Sykes, C.
Talbot, J. G.
Taylor, rt. hon. Col.
Thynne, Lord H. F.
Tipping, W.
Tollemache, J.
Trevor, Lord A. E. H.
Turner, C.
Turnor, E.
Vance, J.
Vandeleur, Colonel
Verner, E. W.
Verner, W.
Vickers, S.
Walpole, rt. hon. S. H.
Walsh, hon. A.
Waterhouse, S.
Welby, W. E.
Wells, W.
Wethered, T. O.
Wheelhouse, W. S. J.
Whitmore, H.
Williams, C. H.
Williams, F. M.
Wilmot, H.
Winn, R.
Wise, H. C.
Wright, Colonel
Wyndham, hon. P.

TELLERS.

Noel, Hon. G. J.
Dyke, W. H.

VISCOUNT CRICHTON asked the Attorney General for Ireland whether the Church Body would have power to dispose of any glebe houses that might be conveyed to them by the Commissioners? In some cases it might be desirable that they should do so, with the view of purchasing more suitable buildings.

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) said, there would be no restraint whatever in the matter referred to by the noble Lord.

SIR ROUNDELL PALMER said, he had heard, with surprise, the answer of the right hon. and learned Gentleman. His strong impression was that, as the Church Body would take under this Bill, and as this Bill did not give any power of alienation, there would be restraint.

LORD JOHN MANNERS said, perhaps the learned Attorney General for Ireland would turn his attention to the point, and, if necessary, make an alteration in the Bill to remove all doubt upon the subject.

SIR ROUNDELL PALMER assumed that it was the intention of the Government that tenants holding under Church leases should, after the passing of this Bill, have the right of renewal which they now possessed. He thought it would be desirable to introduce a provision which would make this matter more clear.

DR. BALL suggested that a clause should be introduced which would more clearly define the power of the Church Body to deal with individuals in respect of houses and land.

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) said, that in his opinion, and that of other lawyers, the leasing power of Bishops and the right of tenants to have renewals were strictly preserved in this Bill. At the same time, he admitted that it was desirable to use words of abundant caution in Bills of this kind, and therefore the matter would be further considered.

Clause, as amended, *agreed to.*

Clause 28 (Power to convey additional land to church body).

SIR GEORGE JENKINSON said, that he had given notice of an Amendment in line 42; but, after the division that had just been taken, he felt that he had no chance of inducing the Committee to adopt it. He hoped that the Government would consider the subject, and not limit the number of acres which the Church Body might buy in connection with an ecclesiastical residence, as there might be many cases in which such a course would be very injurious. The hon. Baronet then moved—

> "Line 42, leave out all after 'the Commissioners' to the end of the Clause, and insert 'shall vest in the said representative body of the said Church all glebe land which at the time of the passing of this Act belongs to and has been usually occupied with such ecclesiastical residence; and any vesting order made by the Commissioners in pursuance of this Clause shall have annexed thereto a map accurately defining the land thereby vested."

MR. GLADSTONE thanked the hon. Member for not pressing his Amendment, and whilst declaring that he felt compelled to retain the limitation of the number of acres as the general rule, said that he was not averse to an extension of the quantity of land in exceptional cases. It might be either that the value of the land, or what the Scotch called "amenities" of the residence might suffer from a strict rule of this kind, and therefore, an Amendment had been prepared to meet such cases by his right hon. and learned Friend the Attorney General for Ireland, with the assistance of the right hon. and learned Gentlemen the Member for the University of Dublin (Dr. Ball), who in this matter had acted in a very conciliatory manner.

Amendment, by leave, *withdrawn.*

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) moved an Amendment, the object of which is to empower the Commissioners to vest in the Church Body a greater quantity of land than ten acres in connection with an ecclesiastical residence, where it shall appear to them, that for the convenient enjoyment of the residence, an additional quantity should be granted.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 29 (Enactments with respect to private endowments).

MR. G. GREGORY moved that the date 1608 should be substituted for 1660, and the lands held or derived under any Royal Grant or letters patent subsequent to that date should be treated in the same manner as these endowments. The Amendment involved two points, the date, and the property with which the clause dealt. As regarded the date at present standing in the Bill, it had been stated, when the Bill was introduced, that it had been adopted because it was at that period that the Churches of England and Ireland became harmonious, or identical in creed. That statement had, however, to a great extent, been met by the argument of the right hon. and learned Member for the University of Dublin (Dr. Ball), and of the hon. and learned Member for Richmond (Sir Roundell Palmer), from which it appeared that it was but for a period of nineteen years that there was any difference in the Articles of the two Churches, and that with that exception they had been identically the same since the Reformation. As to the property involved in the Amendment, it consisted of a series of grants of land, comprising 130,000 acres, about 113,000 of which were in Ulster, which grants were made, as was proved by the terms of the deeds and letters patent conveying them, for the establishment of the Protestant religion. After reading the recitals from several of these grants, he contended, upon that evidence, that they were clearly intended as donations, not to the religion of the majority of the people of Ireland, but of the minority. When Ulster was settled, inducements were held out to the settlers that their religion would be maintained, and those endowments were given for that purpose, and it was shown that in that province the Episcopalian congregations averaged in each parish from 700 to 800 souls. You had, therefore, all the elements of property—namely, a grant from the Crown, an uninterrupted possession of 250 years, and the purposes for which the grant was made fulfilled in every respect. Hon. Gentlemen on the other side were fond of deriving analogies from Canada and the United States. He would remind the Committee that in Canada certain lands of considerable value were reserved to the Church, and they now formed a permanent endowment, while Holy Trinity Church in New York had property yielding an immense annual income. He might not agree with all the language which had been used by those opposed to this Bill, but, seeing how property of this nature had been dealt with in other countries, one could not be surprised that those in this country who felt strongly had expressed themselves strongly, and the Government would do well to regard their language not as idle menace, but as the expression of strong conviction. He asked whether it was worth while for the Government, by the passing a stringent measure, to run the chance of discontenting what had hitherto been the most loyal portion of the Irish population? The alienation of this property had been justified on the ground of the supreme right of the State, and he did not question that abstract right; but to exercise it without sufficient grounds was not only the conduct of the despot, but of the tyrant—in fact, the simple *sic volo sic jubeo.* Again it was argued that the purposes to which it was intended to apply this property not only justified but sanctified the proposal. He, for one, could not sympathize with the sentiment or understand this vicarious charity. It appeared to him merely the alienation of the property of one man for the purposes of another, and reminded him of the conduct of some testators, who endeavoured on their death-bed to compound for their misdeeds by leaving their property away from their families, and being guilty of what an eminent lawyer had to call charity, was a profanation of the word. It might be said that he had treated the question on narrow and what were termed Chancery principles. He was content that it should be so; and, if it was alleged that his profession was tenacious of the rights of property he admitted it as a distinction. For himself he desired no more enduring record than that he respected in others, and strove to maintain for them those rights which he believed to be guaranteed to them by the Constitution of the country, and which, as such, he desired to exercise and to enjoy himself. In conclusion, he moved to amend the clause, by making it read that where any real or personal property becoming vested in the Commissioners "is held or derived under any Royal Grant or letters patent bearing date subsequently to the year 1608," it should, on the application of the Representative Body of the Church, be vested in the body of the Commissioners, the Amendment being to insert the words quoted in the clause.

Mr. LIDDELL said, a point had been reached in this work of peace and conciliation at which the most earnest labourer might ask permission to pause and take breath, and at which even the Prime Minister might venture to take a look into the future. He himself was not sanguine as to the future of the Irish Church. History showed that the landlords of Ireland had received more from the Church than they had ever given to it; and although no doubt some noble efforts would be made by the landlords for the support of the Church in the future, he was very much deceived if those numerous landlords, who would continue to pay the rent-charge for forty-five years, would have any considerable sum left at their disposal for the service of the Church. The support of the Church and the clergy then became a matter of private endowment. The principle of the Bill was to respect private endowments, and he wished the Committee to consider the mode in which they were to be dealt with. This was a question which affected every religious body in Ireland. The Roman Catholics had very large private endowments which he wished to see respected, and he called upon them to assist others in respecting the right of private endowments. The Prime Minister had fixed a line antecedent to which he refused to recognize private endowments. That line was drawn at 1660, and, as he thought, most unfortunately chosen, for 1660 was the period of the Restoration. The first Act passed after that event was the Act of Succession, which not only restored and settled the property of the Church, but the estates of almost all the proprietors of land in Ireland. Their estates were held under precisely the same title as that by which the Church property was held; and it was a curious fact that the 101st clause of the Act of Succession conferred on the ancestors of Lord Lansdowne great estates in the South of Ireland. By fixing that period the Government by their Bill proclaimed to the landlords of Ireland the insecurity of the titles by which they held their property. An arbitrary line had been drawn, rather for the purpose of extricating the Government from a difficulty, than any particular regard to the interests of the Church. The Prime Minister stated that he had fixed upon the period, because after that time the people knew what they were doing, and to whom they were leaving their property. The right hon. Gentleman rested his arguments on two main points—the schism which had prevailed in the Church previous to that time, and the adoption of the famous, or infamous, as the case might be, Lambeth Articles by the Irish Convocation in 1615—and said that the clergy could not be looked upon as legally enjoying the property. There could be no doubt that at that period some of the ordinations were very irregular; but he would ask was the House to be told that, because certain loose Prelates and looser Puritans condescended to base subterfuges, and ignored the law of God and Apostolic usage in order to acquire and enjoy the emoluments of the Church—that, because these irregularities had been connived at, therefore, the property was not the property of the Church? He contended that this did not invalidate the title of the Church estates and revenues, and that any argument based on such grounds ought not to be accepted as a reason for not respecting the property of the Church. There could be no doubt that the men who had been irregularly ordained entered the Church for the purpose of enjoying the property of the Church, and Bishop Bramhall, the Primate of Ireland, in 1661 called upon some of them to produce their certificates of ordination; he said he disputed not the value of their ordination, but now that there was a national Church limited by law and a prescribed ordination, he knew not how they could recover the means of the Church if anybody should refuse to pay the tithe because they were not ordained as the law required. This showed how they came into possession of the property which the Church then possessed, and of which the arbitrary line now proposed would deprive the Church. But the evil did not stop there. There was a great deal more involved in the principle laid down. It involved the property of Trinity College, of the London companies, and of the endowments of many schools founded for the education of the clergy at that time. It made him tremble for the property of Greenwich Hospital, which was derived from estates escheated for certain acts of so-called rebellion. He must own that he was much alarmed by one expression which had been used by the Premier. The right hon. Gentleman had stated that the case of Trinity College must be, at no distant day, considered. Now, there was a great and marked difference between consideration of a thing and consideration for a thing. One implied pity, but the other implied plunder; and if they were to part without a struggle with the Ulster grants, he was afraid any further struggle would be useless. Entertaining these views, he implored the House to consider well what was involved in the desecration of private endowments, and therefore should cordially and warmly support the Amendment, hoping thereby to secure, at least, for the Disestablished Church of Ireland the whole of her private endowments.

Sir ROUNDELL PALMER said, he could not understand why the hon. Gentleman (Mr. G. Gregory) had fixed upon the date mentioned in the Amendment. He (Sir Roundell Palmer) thought that the year 1560 was the true date which ought to be selected, and not 1608. If the hon. Gentleman thought it necessary to divide to give effect to his opinion, he would vote with him. The question was, however, different from private endowments, and it was not expedient to mix up the two together.

Mr. G. GREGORY explained, that he had taken 1608 because it was an early date in the reign of James I.

Mr. DISRAELI said, he hoped his hon. Friend would not press his Amendment. It would be desirable for the House first to confine itself to private endowments, and then to proceed to mixed endowments.

Mr. NEWDEGATE said, he thought they ought not to pass from this matter without recollecting that there was a period of our history, during the Commonwealth, when this country was ruled by a Legislature, and led by an authority who, although he did not admit the validity of ordination more than the President of the Board of Trade, still respected the private endowments of the Church, and did not consider that their titles rested on what that right hon. Gentleman called ecclesiastical rubbish. Throughout the whole period of his power, Cromwell respected that property — not on account of any supposed title on the part of the clergyman individually, but on the real ground that it was the property of the Church, by which he meant the congregations. As he (Mr. Newdegate) was descended from Cromwell's Chief Justice he had a right to state the principles on which the Church property was preserved during that period. As those rights of the laity—of the congregations — were always respected by Cromwell, he hoped they would not be ignored now. Cromwell's legislation with the Long Parliament would compare favourably in this respect with that of the right hon. Gentleman opposite.

Amendment, by leave, *withdrawn.*

MR. DISRAELI, in rising to move, page 13, line 19, after the word "resources" to leave out "since the year 1660," said, the language of the right hon. Gentleman opposite at the time he gave his reasons for the limitation contained in the clause was not very satisfactory to me, and, after the greatest consideration, I am confirmed in my first impression. We are on a clause of the Bill on which there is no diversity of opinion as to the principle, which is a very great advantage. We all agree that private endowments to the Church should be preserved to the Church after it is disestablished and disendowed. The Government and the Gentlemen on this side of the House are agreed on this principle, and it is generally accepted by the Committee. I think also we agree in this, that the only point to ascertain is that these private endowments should have been made to the Protestant Episcopal Church of Ireland. I use that phrase because it is the accepted description in the Articles of Union. I understood from the right hon. Gentleman, when he made the exposition of his policy, that he could not recognize that private endowments were made to the Protestant Episcopal Church of Ireland before the year 1660, and his reasons were these —that before that period, there was no identity between the Churches of England and Ireland, and that they were not of the same legislative frame and character. That is a broad and intelligible reason, and one with which one can fairly grapple. The right hon. Gentleman also declared that the same doctrines were not maintained by the two Churches, and that they had not practically the same form of government. As to the identity between the two Churches, I will confine myself to the reigns of Elizabeth, James and Charles, embracing a period which extended from 1562 to 1641. I have looked to some of the principal Episcopal appointments made to the Church of Ireland, and I see that Queen Elizabeth, on her accession, found the Archbishopric of Armagh vacant, and presented her own chaplain, Adam Loftus, to the archbishopric. That looks very much like identity. In 1568, Thomas Lancaster, Archbishop of Armagh, had a license from Queen Elizabeth to hold *in commendam* the treasurership of Salisbury and certain livings of England. In 1582, Marmaduke Middleton, Bishop of Waterford, was translated to St. David's. In the same year Hugh Allen, Prebendary of Sarum, was made Bishop of Ferns. In 1593, John Thornborough, Dean of York, was made Bishop of Limerick, translated to Bristol in 1603, and to Worcester in 1617. Coming now to the reign of James I., I find that in 1604, Richard Bancroft, Prebendary of St. Patrick's, was made Archbishop of Canterbury. In 1605, Roger Dod, Dean of Salop, was made Bishop of Clonard. In 1605, George Montgomery, Dean of Norwich, was made Bishop of Meath and Bishop of Clogher. In 1611, Andrew Knox, Bishop of Orkney, was made Bishop of Raphoe. I now come to the reign of Charles I. In 1627, William Murray, Bishop of Kilfenora, was translated to Llandaff. In 1629, William Bedell, ordained in England, was made Bishop of Kilmore. In 1633, John Leslie, Bishop of Orkney, was made Bishop of Raphoe. In 1634, George Webb, chaplain of Charles I., was made Bishop of Limerick. In 1640, John Maxwell, Bishop of Ross, in Scotland, was made Bishop of Killala, and Archbishop of Tuam in 1645. In 1641, James Usher, Archbishop of Armagh, held the Bishopric of Carlisle *in commendam* from that year until 1656. One word as to the reign of Charles II. In 1660, John Bramhall, Prebendary of York and subdean of Ripon, was made Archbishop of Armagh. In 1667, Dr. William Fuller was translated from Limerick to Lincoln. That list of Bishops of England and Ireland, reciprocally preferred to important dioceses in either kingdoms during these three reigns, is strong *primâ facie* evidence of identity between the two Churches. I do not, in fact, see how you can have *primâ facie* evidence which is much stronger. In regard to Adam Loftus, he was not appointed with any carelessness. I see in a letter written by Walsingham, that after Queen Elizabeth had appointed Loftus to the archbishopric of that Church, which the right hon. Gentleman tells us had no identity either in government, doctrine, or legislative frame and character, the Queen appeared to have heard something not favourable to the religious opinions of Loftus, for she kept her eye on him for some time. About 1567 he laboured under some suspicion of favouring the Puritans, and in the same year he addressed a letter to Walsingham (to be found in the State Paper Office, but not contained in Walsingham's published letters), in which he says—

> "Some little inkling hath been given me (whether truly or not God knoweth) that Her Majesty hath been informed I am a Puritan, and favour Cartwright and his doctrine. Truly, I am ignorant of what the term and accusation of Puritan meaneth."

That was the language of an English Prelate, preferred to an Irish see in the reign of Queen Elizabeth; and I think that, taking the large and generous view which should be taken on such a question, that that was a feeling which always prevailed. The right hon. Gentleman has said much upon the difference of doctrine between the Church of Ireland and the Church of England, and he has referred to certain Articles which was drawn up by Archbishop Usher in 1615. Now, Usher was not an Archbishop in 1615. He held then a subordinate position in the Church, but he certainly drew up those Articles in which the Lambeth Articles were contained. The Lambeth Articles, however, were drawn up by Bishops, and they formed but a small portion of the Articles drawn up by Dr. Usher, who was afterwards the celebrated Archbishop. But are we to understand, when this important question of the right of the Church to its private endowments is before us—are we to understand that the profession of Calvinistic doctrines at that time deprives the Church of those endowments, or shows that the Irish Church had not the same legislative frame and character as the English Church? I can hardly believe that the right hon. Gentleman can seriously lay down that principle as one which ought to influence our legislation. But I will refer now to very recent incidents in our own Church history. I do not mention them either to blame or to maintain them, but merely as historical facts. The late Lord Palmerston recommended Her Majesty to prefer to bishoprics clergymen of great eminence and of very high moral and intellectual character, who professed strong Calvinistic opinions, who acted upon those opinions, and do in their dioceses form, I believe, a majority of the northern Bishops. But no one would maintain that, in consequence of their professing those opinions, and acting upon them with great decision, they alter the legislative frame and character of the Church of England. I think that is hardly an opinion which the right hon. Gentleman could for a moment insist upon. We know very well that in those times, as the necessary consequence of great religious changes, there was a long struggle going on between Presbyterians and Episcopalians in Ireland, but that was not peculiar to Ireland, and was just as rife in England at that time. It is a fact beyond doubt, that in the Temple Church, Venerable Hooker and Cartwright, the Presbyterian, used to preach on alternate Sundays and answer each other; but the right hon. Gentleman, I hope, will not adduce that fact, if the private endowments of the English Church are ever in question, as a reason why the Church could not claim those endowments at that time. What then was the use of the right hon. Gentleman calling our attention to this point, and impressing it upon us in language so very strong? He has told us very impressingly—

> "It may not be known to all who hear me—though it ought to be known, and it tends strongly to justify us in not going beyond the Restoration—that the very Confession, the doctrinal Confession, of the Irish Church in the reign of James I. and Charles I. was not the same as that in England."

I say that the facts to which I have referred do not in the least justify the right hon. Gentleman in using such strong expressions and drawing such inferences. Grant that in 1615, Dr. Usher—not yet an Archbishop, though he was quoted as such—and, therefore, his name would have the greater weight with the House—grant that he did draw up these Articles. I suppose at the time they were very serviceable Articles—at least, I observe they bear a different title to that which the right hon. Gentleman would assume to be their object; for, instead of enforcing the severe principles of the Lambeth Articles, they are called "Articles of Religion agreed upon by the Archbishops and Bishops and the rest of the Clergy of Ireland in the Convocation held in Dublin in 1615, for the avoiding of diversities of opinion and doctrine;" and the consequence is that throughout the Articles they avoid anything like definition of dogma. But this is in 1615. We are to fix upon 1660 as the first period when the Church of Ireland has identity of character with the Church of England, and has the same legislative form and character, because, in 1615, Dr. Usher drew up Articles of a Calvinistic character, and the Church of Ireland did not accept the Thirty-nine Articles of the Church of England. Now, that was the Convocation of 1615. I turn to the proceedings of the next Irish Convocation, in 1634, when, that eminent man, Dr. Usher was really an Archbishop, having become Archbishop of Armagh, and presided over the Convocation. What was the first thing they did? It was to accept and recognize the Thirty-nine Articles of the Church of England. Therefore, the whole argument of the right hon. Gentlemen, that, because in 1615 the Irish Church did not recognize the Thirty-nine Articles of the Church of England, it was not entitled to its private endowments till 1660, entirely falls to the ground, since in the Convocation of 1634 the Church of Ireland did formally recognize and accept the Thirty-nine Articles of the Church of England. I think I have shown the Committee that there was complete identity between the Churches of England and Ireland, for a long list of Prelates—many of them selected from England, and in communion always with the English Bishops—prove that identity, and I say you could not have stronger *primâ facie* evidence of it. I think I have shown to the Committee that there is really no strength in the argument of the right hon. Gentleman—that there was not the same legislative shape and character between the Irish and the English Churches, because the Thirty-nine Articles were not accepted, and, therefore, that 1660 must be fixed upon as the date for private endowments—for, if the point were worthy of consideration, it could not support the inference of the right hon. Gentleman, seeing that the Irish Church formally accepted the Thirty-nine Articles in the Convocation of 1634. Now, I come to the third point made by the right hon. Gentleman—namely, that there was a difference in the form of government between the constitution of the Church of Ireland and that of the English Church. Now, the constitution of an Episcopal Church is government by Bishops and by presbyters. The constitution of a Presbyterian body is a government by presbyters alone. We have heard some stories from my hon. Friend (Mr. Liddell) illustrating some laxity by which ordination was granted in those days in Ireland. I do not doubt that similar stories might be found in the history of the English Church at that time. But questions of this magnitude are not to be decided by stories of that kind. You have before you the strongest evidence in the world as to the identity of government and the form of government—namely, a list of Prelates who during the reigns of Elizabeth, James I., and Charles I. were alternately preferred from the two Churches, the Irish Prelates being always in constant communication with the English Bishops. Some of these stories respecting the laxity of ordination in Ireland have recently been given in a periodical publication. I do not approve as a general rule making quotations from periodical publications in this House, nor am I now about to quote from *Punch* or *Judy* or the *Pall Mall Gazette*, or attempt to answer any of those leading articles written by master pens which from day to day and week to week enlighten the world as to the principles on which it should be governed. But there are some periodical publications, published at those sober intervals which allow of research and reflection, and which are quoted in the House of Commons, partly because they are recognized as the organs of great parties, and partly because they recall the memory of eminent men who had occupied seats in the House and who at various times had been contributors to their pages. I am alluding, of course, to the *Edinburgh* and *Quarterly Reviews*. The *Edinburgh Review* may, I believe, be regarded as being still partially the organ of hon. Gentlemen opposite, or, to use the memorable words of the Postmaster General, as being, at all events, the organ of the "educated section of his party." Now, I saw in an article which appeared conveniently in that *Review* on the subject of the Irish Church at the time when the speech of the right hon. Gentleman was delivered, or immediately previous, some stories respecting the ordinations of clergymen of the Church of Ireland in the reign of the Sovereign to whom I have referred; but I had no idea that those stories were to be made the foundation of so portentous a result as the projected legislation of the right hon. Gentleman on this question. In the article of which I am speaking we are told first, with extraordinary inconsistency, that James I. established a great many Presbyterian ministers in Ulster; "but," continues the *Review*, "we must not at all suppose from that fact that those Presbyterians were not sincerely members of the Church of England, or rather of the Church of Ireland." Then we are told that the ordinations were carried on in a very peculiar manner, that the presbyters and Bishops were both in a room together, and that then, somehow or another, the ceremony of ordination was fulfilled. But if an ordination was held, and a Bishop was present, it was an Episcopal ordination, and nothing more was required. No ordination occurs in England otherwise, there are always Bishops and presbyters present, and so far, therefore, as these wild and inconsistent tales are concerned, they only tend to prove Episcopal ordination. The most peculiar thing, however, in the article in the great organ of hon. Gentlemen opposite is the wonder with which it announces that, notwithstanding all this, those Presbyterian clergymen were members of the Convocation of 1634. Now that remarkable statement led me to look into the canons of the Irish Convocation of 1634, and the point is one to which I would particularly invite the attention of the Committee. Not to mention Canon 2 of that Convocation, which states that any person who shall impeach in any part the Royal supremacy shall be excommunicated, and not be restored except by the Archbishop, Canon 3 lays it down that no form of Liturgy shall be used except the Book of Common Prayer, and any one who spoke in derogation of it should also be excommunicated, and Canon 4, that—

> "No ordination shall be used in the Church of Ireland but that contained in the Book of ordering Bishops, Priests, and Deacons to be ordained, allowed by authority, and hitherto practised in the Churches of England and Ireland, and whosoever shall contravene it, would separate himself from the Church of Ireland, and set up any other congregation shall be excommunicated."

Now, I want the Committee, looking calmly at what I have stated, to say whether it is true, as the right hon. Gentleman opposite has endeavoured to persuade us, that there was no identity between the Churches of England and Ireland; that there was a difference in the doctrines of the two Churches; that the form of government was so different that they had not the legislative shape and character which now prevailed in the Church of England? It may be in the power of the right hon. Gentleman to divide the future Church Body in Ireland from those private bequests, and he may do so conscientiously and in the performance of what he believes to be a great act of policy; but that he can found that policy on the facts of history is a conclusion from which I must beg altogether to demur. I have, I maintain, shown the Committee that there was a complete identity between the two Churches; that their doctrines did not differ, or, if they did differ, not more substantially than the doctrines of the Church of England among different sections of it, that there was complete Church government; and that the order of government had never for a moment been remitted. All, at the utmost, for which the right hon. Gentleman can contend—he cannot prove it—is that there was an interval between 1615 and the Convocation of 1634 when there was not an identity between the two Churches—that is to say, between the drawing up of the Articles of Usher and the time of the Convocation. But, supposing that there was an interval of nineteen years of that character, would that fact, I would ask, justify the conclusion at which the right hon. Gentleman has arrived and the date of 1660 on which he has fixed? In a case of this kind, when you appeal to history, you must, whether you be in a majority or a minority, decide in accordance with that which is the truth, and to my mind the facts, as I have laid them before the Committee, destroy the whole argument of the right hon. Gentleman. Here I would again remind the Committee there is no contest of principle. The Government concurs in the view that the Church is entitled to these private bequests, and only expresses a doubt as to whether during a certain period she possessed a legislative shape and character. I think I have shown that she fully possessed that shape and character, that there was identity in all respects between the two Churches, and complete communion. I trust, therefore, that if the Government does not assent to the Amendment which I propose, it will, at all events, receive the sanction of the Committee.

Amendment proposed, in page 13, line 19, to leave out the words "since the year sixteen hundred and sixty."—(*Mr. Disraeli.*)

Mr. CONOLLY said, he would presume to follow, at a respectful distance, the very lucid argument which had been addressed to the House by the right hon. Gentleman the Member for Buckinghamshire. In the absence of all other reasons for choosing the date which had been fixed upon as affecting private endowments, he might assume that it was selected with the view of excluding the endowments of Archbishop Bramhall. He had reason to believe that an authentic record of that Prelate's endowments was preserved at Lambeth Palace, and he felt inclined to move that a humble Address be presented to Her Majesty for the production of that record. The endowments in question amounted to no less than £40,000 a year, and he certainly thought the right hon. Gentleman at the head of the Government had acted somewhat shabbily in fixing the date so as to exclude them from the operation of the Bill. The right hon. Gentleman's arguments in favour of choosing that date were perfectly threadbare, and had been completely refuted by the right hon. Gentleman the Member for Buckinghamshire. For his own part, he entertained a very strong opinion that Archbishop Bramhall's endowments ought to be preserved to the Church in Ireland.

Mr. VERNON HARCOURT thought that, before discussing the propriety of fixing on the particular date at which private endowments should be dealt with, the House ought to ascertain what relation private endowments bore to the question now under consideration. Everybody was aware that, with reference to the private estates of individuals, the law had declared that entails should be limited, and should not extend beyond the existence of lives in being, or twenty-one years afterwards. But with regard to other property than private estates the case was different. Subject to the limitations of the Law of Mortmain, there existed a legal power to create what were termed endowments in connection with charitable and religious foundations; but, when the law permitted endowments to be extended beyond that period to which the law limited the entails of private estates, the State also claimed to exercise over these endowments a public control which it never pretended to exercise over private property. Was this a new doctrine? a revolutionary doctrine? ["Yes!"] Let them test this. He saw opposite the right hon. Gentleman who represented the University of Oxford (Mr. G. Hardy). The University abounded in private endowments which had been diverted to public purposes. He might refer, as a further illustration of his argument, to the case of close fellowships and close scholarships in the Universities. A person in Westmoreland, for instance, left property to found a scholarship for the inhabitants of his county; but it had not been held contrary to the law to prevent that endowment being perpetuated, in the precise form specified in the gift, beyond the ordinary term for which an entail would be suffered to be created. He ventured to say, in the presence of his right hon. Friend, that he would not condemn such a diversion of the original destination of the foundation, because to maintain it would be injurious to the University which he so worthily represented. Limitations had been repeatedly broken, and the property applied to purposes wholly different from those named by the founder. His right hon. Friend and himself had frequently enjoyed the hospitality of the great foundation of All Souls' College, which had been endowed by funds originally bequeathed by Archbishop Chichele to insure the perpetual offering up of prayers for the souls of the dead; but the present managers of that establishment devoted themselves to what was, perhaps, the more useful object of taking care of the living; and, very recently, a portion of these funds had been devoted to the creation of a professorship of modern history, a science for which it cannot be supposed that Archbishop Chichele had any particular value or any special knowledge. The State claimed these rights with reference to endowments of that character for the general advantage of the nation. Were it not so, endowments would be positively unendurable, as stereotyping the obsolete ideas and antiquated habits of another age, and to prevent the objectionable results which must ensue the Act of Mortmain had been passed by our ancestors. It was on this ground that the Court of Chancery was often applied to to alter the application of charitable funds; and Sir William Grant, one of the greatest masters of equity principles, had said that if once any charitable intentions were discovered in a testator, the Court at once proceeded to make him charitable in its own way and according to its own principles, even to the extent of devoting his bequest not only to objects within his intention, but wholly adverse to it. This being the doctrine of Chancery with regard to testators who died yesterday, could it be said that Parliament should have no control over the destination of an endowment because the testator died in the 17th century? The State wisely refused to allow any men to impress for ever the thoughts and habits of one generation on the land of England. That was the principle on which the Irish Church Commission, of which the right hon. and learned Member for the University of Dublin (Dr. Ball) was a distinguished member, had acted. There was a certain corporation in Ireland called "The Vicars Choral of Armagh," which held an estate in the county of Down, of the value of about £900 a year, under a bequest made by Primate Lindsay at the commencement of the last century. The Report of the Committee in reference to that and similar property contained the following passage:—

> "We recommend that all those minor corporations, or *quasi* corporations, including the Vicars Choral of Armagh, be dissolved."

That was the way in which the Irish Church Commissioners proposed to deal with a corporation which enjoyed its property under a bequest made within the last 150 years. But that was not all. There was another class of corporations in Ireland called deans and chapters, and with respect to them he found the following passage in the Report of the same Commissioners:—

> "We accordingly recommend that, with the exception of eight, all the existing corporations of deans and chapters be dissolved, and the deaneries and other dignitaries connected therewith be suppressed."

Yet these are the gentlemen who denounce us for disregard of the rights of property! Had these corporations no private estates, and were none of them created subsequently to 1660? To say that the endowment of these prostrate corporations would be given back to the whole body of the Church was small consolation to the individuals dispossessed. What would the corporation of London say if it were proposed to abolish it and hand over the funds to the corporation of Newcastle? Would his right hon. and learned Friend opposite (Dr. Ball) tell him that if he had been dealing with a private estate he would have dealt with it as he had dealt with Church property in the Report of the Irish Church Commission? If they took property away from a corporation to which it belonged the whole act of confiscation, if they chose to call it so, was complete, and they would not modify the character of the act in any manner by the way in which they should afterwards dispose of it. If they deprived a man of his property it made no difference whether they gave it to his brother or to a stranger. When they took property away it was no longer a question of property, but of policy as to how they might ultimately deal with it. He did not see his right hon. Friend the Member for Cambridge University (Mr. Walpole) in his place; but his right hon. Friend was one of the last men whom anyone would regard as an ecclesiastical spoliator, and yet he was lately an Ecclesiastical Commissioner of England. What was the nature of the operations conducted by the Ecclesiastical Commission of England? Why to deal with property that had been spoliated. Almost all the capitular property of the English cathedrals had passed into the hands of the Ecclesiastical Commissioners, and his right hon. Friend had not thought it wrong to distribute those funds for other purposes than those to which they had been specially devoted by the founders. As far as the argument founded upon the nature of private estates went, it was not the question how they dealt with this property, but that they dealt with it at all. Whether the property was to be dealt with in one manner or another was a question of policy for Parliament to decide. The State had always claimed the right to deal with it, and had in fact always dealt with it, and therefore the only question they had to discuss was how it was fit and expedient that this property should be disposed of; whether it should be left in its present hands or devoted to some other purpose which should be more beneficial to the public and to the State.

Mr. CHAPLIN, as a new Member, asked the indulgence of the Committee whilst he ventured to make a few observations upon the immediate question before them. Up to that time he had refrained from taking any part in the discussions, whether on the second reading of the Bill or in the earlier stages of Committee, because he thought it would have been presumptuous in him to urge his own views as to the expediency of the measure, in opposition to hon. Gentlemen of such vast experience, and still more if he ventured to predict what would have been its probable results. But the question of a measure was a question quite apart from its expediency, and he thought any person of ordinary intellect, however deficient in political experience, competent to pronounce an opinion on a question of justice and good faith. Indeed, he thought that the absence of this experience might even be an advantage, for it appeared as if, in some cases, the sense of justice became nearly blinded through a long course of political experience. With all respect to the right hon. Gentleman at the head of the Government, he maintained that in this Bill not only was perfect justice not done, but in more than one instance, and notably in this clause, that injustice might deliberately be perpetrated. He had the less hesitation in expressing his views on this clause, because it appeared to him that the discussion was of a somewhat different character to any that preceded it. He thought that hon. Gentlemen opposite, and especially the right hon. Gentleman at the head of the Government, were bound no longer to maintain that almost absolute silence which had been so marked a characteristic of the earlier discussions of the Committee. Although right hon. Gentlemen opposite might prefer to rely rather on the majority at their backs than upon argument or reason, and although the country had through their majority given an unmistakeable evidence of its opinion on the general question, he nevertheless contended that the present clause raised a totally different question, and upon which the voice of the country had not been heard. The right hon. Gentleman, therefore, was bound, for the satisfaction of the country, to substantiate his policy upon this point, and to vindicate his method of proceeding with respect to private endowments, on which not only the country at large, but he believed also a majority of Members of that House, were completely ignorant until the night he made his announcement. He admitted—indeed, it would be folly to deny—that the voice of the country had expressed an undoubted opinion on the main principles of the Bill. Perhaps it would have been more correct to say that the country had expressed its opinion that there should be legislation on the subject without pledging itself to any particular Bill, for that was impossible, as there was no Bill before it. If there was one thing more strongly instilled into the notion of the country at large more than another by the right hon. Gentleman himself as one of the essential principles of the Bill it was that private endowments were to be considered not as gifts to the State, but as gifts to those religious persuasions to which, in the first instance, they had been given, and that all private endowments were therefore to be religiously respected. But private endowments as spoken of then were totally different from private endowments as now understood by the right hon. Gentleman, which dated, according to him, from 1660. But that was a reservation which the country never contemplated. He was at a loss to know by what process of reason or argument the right hon. Gentleman had been able to satisfy himself that private endowments given for the same purpose precisely, and possibly in some instances by the same people, were to be treated as such from and after 1660 and fail to be so treated in 1659. The right hon. Gentleman, on the night he introduced the measure, stated that the reason why he had fixed upon 1660 as the limitation was that that was the year of the Restoration and the period when the Church of Ireland first assumed its present legislative state and character, and he went on to say that the doctrinal Confession of the Church in Ireland in the reigns of James I. and Charles I. was not the same as that in the Church of England, in fact, that the constitutions of the two Churches up to this point were totally different. Now what was the fact? From 1565 to 1615, in all essential respects the two Churches were practically the same. It was quite true that in 1615 the Articles to which the right hon. Gentleman referred, and which were designated as the Lambeth Creed, were adopted in the Convocation of that day, but they were never made legal by Parliament. And what happened? In 1634, only nineteen years afterwards, they were again superseded by the Irish Convocation which then assembled, and the Thirty-nine Articles of the Church of England declared to be the doctrine of the Church. In point of fact for 300 years, the Liturgy and Articles of the two Churches were precisely the same, with the exception of nineteen years and nineteen only; and it is upon that nineteen years, in a period extending over three centuries, that the right hon. Gentleman at the head of the Government at once seizes as a pretext for despoiling the Church of a great portion of her private property. On the right hon. Gentleman's own showing, if there was to be any limitation as to private endowments, the year 1634 ought to have been taken instead of 1660; for from the first of those dates—and he defied contradiction on that point—the constitution, Liturgy, Articles, and Prayer Book of the two Churches had been exactly the same without any interregnum, and they had remained the same up to this moment. It was matter of undoubted history that large private endowments had been given to the Church previous to that date. In 1633, Bishop Bramhall resigned all preferment in England, and went to Ireland at the earnest request of Lord Deputy Wentworth, being specially induced to go there by the lamentable state into which the affairs of the Church there had fallen. He applied his attention to those affairs with such remarkable success that, by dint of personal exertions, by loans from the rich, by large voluntary contributions, but chiefly and mainly from his own private resources, he was enabled to place to the credit of that Church a sum which, with subsequent accumulations, was estimated by some at £30,000, and by others at £40,000 a year. In 1637, on his return to England, he gave an account of his labours to the Archbishop of Canterbury. If these facts were correct, he had a right to ask by what rule of justice or reason had the right hon. Gentleman recognized the principle that private endowments must be respected from 1660, and not before? There was another point on which he was anxious to say a few words. Although the endowments to which he was now about to refer were not, strictly speaking, of a private character, they were somewhat akin to them. They formed part of the terms of an arrangement resulting from an agreement entered into between two contracting parties. In the reign of James I., by the rebellion of certain Irish chiefs, a large tract of country in Ulster, consisting of six counties and 500,000 acres, was escheated to the Crown; and at that time a project was conceived by the King to colonize that territory. One of the principal points in that scheme related to the proportion of land to be divided among the settlers; the second point provided that the whole of the land in each county was to be divided into four parts, and those four parts were to be subsequently re-divided; and the third—with which they were now more particularly concerned—was that each proportion should be made into a parish, that in each parish a church should be built, and an incumbent should be endowed with certain glebe lands and other endowments. The county of Tyrone was dealt with first in that way; and, after the whole of the land had been divided in the prescribed proportions, the Commissioners, before any allotment or division was made to the intended settlers, proceeded to declare that they thought it convenient first to make a deduction from the whole for the support of the clergy and the Church in that county. The motive of that was obvious. The King knew that full security for the enjoyment of their religious worship would be a special inducement to the settlers to come from England and Scotland, and without some such security it was only reasonable to suppose that probably they would never have gone into Ulster at all. All these arrangements being concluded, and provision made for the service of the Church, the division of lands among the settlers was decided upon, and the project of colonization was carried out by a few of the native Irish, but mainly by Protestant emigrants from Scotland and England. Having in view, then, the terms of that arrangement with the settlers and the conditions on which they held their lands, the settlers and their descendants had a right to regard the provision made for the Church as part and parcel of the agreement entered into with them by the King. How the settlers had fulfilled their part of the compact was shown by the contrast between the state of Ulster and that of the rest of Ireland. By their energy, peacefulness, and industry, they had faithfully carried out, in every respect, their share of the agreement, and they had formed a nucleus of loyalty and attachment to the Crown of this country which had frequently proved a source of strength to the Empire in time of need. And now, in recompense for all that, what did the Government propose to do by that Bill? Although it was not denied that the Protestant settlers had, in every respect, fulfilled their part of the bargain, the Government proposed no longer to fulfil its share of the agreement; it proposed to repudiate its engagement, to break faith with the Protestant people, and take away from them endowments of which it had no more right to deprive them than of the land itself which was originally divided among them. They were, therefore, entitled to demand from the right hon. Gentleman a fuller and more ample justification of his policy on those points than any he had yet adduced. When charged with injustice towards the Protestant curates of Ireland, the right hon. Gentleman said that justice had two sides; that they must be just not only to the curates, but also to the unfortunate classes to whom the residue of the Church funds were to be applied. In Heaven's name, then, let justice be done to those unfortunate persons; but, let it not be justice to one class at the expense of another. A weaker defence than that of the right hon. Gentleman for a sterner act of injustice had never proceeded from the lips of a Minister. He thanked the Committee for the patience with which they had listened to him; and he apologized to them if the strength of his feelings had betrayed him into any undue warmth of expression. He knew well that by many who sat opposite to him that measure was thought to be urgently needful for the welfare of the country, and he was ready to admit that by none was it believed to be more necessary than by the statesman who had first introduced it. But he could not allow that it was right to commit the slightest injustice. Let the benefit be what it might in future, he had yet to learn that it was lawful to do evil that good might come. He refused, for one, to subscribe to that doctrine; and he trusted the day was far distant when the House of Commons would affirm that justice, however small, must give way to expediency, however great.

Mr. GLADSTONE: Sir, the hon. Member who has just sat down has admonished us, and myself in particular, that the sense of justice is apt to grow dull under the influence of a long Parliamentary experience. But there is one sentiment which I can assure him does not grow dull under the influence of a long Parliamentary experience, and that is the sense of pleasure when I hear—whether upon these Benches or upon those opposite to me—an able, and at the same time frank, ingenuous, and manly statement of opinion, and one of such a character as to show me that the man who makes it is a real addition to the intellectual and moral worth and strength of Parliament. Having said this, I express my thanks to the hon. Member for having sharply challenged us; it is right we should be so challenged, and we do not shrink from it. If there be a distinction between expediency and justice in this question, it is not we who seek to shelter ourselves behind that distinction. If this measure is anything else than just, in God's name let it perish. We support it as wise, we support it as politic; but, above all, we support it as just in the highest sense of the word. We may differ in our views as to what is just; it is permitted to men so to differ. These claims, which grow up out of the complications of past ages, are matters which it is difficult indeed for human judgment to penetrate and order; but the hon. Gentleman, who has, I must say, done us full justice in giving us credit for sincerity, may rely upon it we shall never be backward in meeting him or others upon the grounds that he marks out for us; it is then we shall be ever ready to descend and do our best for the cause which we believe to be right. Now, it would, perhaps, be more convenient to postpone the discussion of that portion of the hon. Member's speech relating to what I may call the Ulster Covenant until we come to the Amendment in which it is proposed virtually to include the grants of James I., because the Amendment upon which we are now engaged would not include them. I will, therefore, say only that when the hon. Member speaks of the bargain that was made and the necessity of keeping it, I must observe that, though a covenant may have been made between James I. and the Protestant settlers of Ulster, in the first place, I know not how those who look down the pages of history can think that the bargain has ever been kept as respects the major portion of these Protestant settlers in Ulster—namely, the Presbyterians. And I may also say that from that covenant was absent the men who had a paramount right to be consulted—namely, the men of the Irish nation. I will now confine myself to the question of private endowments, and firstly I will inquire what is a private endowment? Why are we to establish in this Bill a separate category for private endowments, and, dividing them from the mass of what we affirm to be national property—namely, the property of the Church—to keep them back and attach and appropriate them to the particular religious community that is about to exist in a disestablished condition? Let us consider what are the points necessary to make up the definition of private endowments, such as we are justified in keeping from the general mass. In the first place, it must be an endowment from the private resources of a private person; in the second place, it must be devoted to the endowing of a particular religious persuasion; and if it is given to an establishment, it must be given to it not in its character as an establishment, but in its character of a definite religious persuasion; lastly, it must be a gift to the same distinct religious persuasion as that on whose behalf it is proposed to be severed from the general mass. Now, these are not unreasonable descriptions of the convictions which we have in view as framers of the Bill when we speak of private endowments; and we have construed private endowments in a manner the most liberal and most favourable to what is now the Established Church of Ireland. We have never once inquired whether the private donor, since 1660, gave his donation to the Established Church of Ireland because it corresponded with his private convictions in religion, or because it was the national Established religion of the country—and that is no unimportant distinction. I suspect that if we were to examine these private endowments we should find there were multitudes of them given to the national Established Church because it was the national Established Church. [*Opposition cheers.*] Just so, and therefore the endowment must follow the fate of the national Establishment. I do not suppose that hon. Gentlemen opposite will find it difficult to make a case satisfactory to their own minds for sparing these private endowments; but we also have to make a case satisfactory to our minds. We thought it wiser, on the whole, to overlook this point; but, if we had not overlooked it, and had proceeded in the pettifogging spirit with which some may be ready to charge us, we might in many cases have discovered that these endowments were given to the national Establishment of Ireland, and not to the professors of the Episcopal religion. These things happen every day; my hon. Friend behind me (Mr. Robertson) could name to us many Presbyterian churches which have been founded and endowed by men who are not Presbyterians, who have no special sympathy with the body, and who do not desire the spread of its peculiar opinions. We all know of one instance which applies. Miss Coutts founded two bishoprics in the colonies, but when she discovered that there was no regular appeal from those dioceses to the ecclesiastical authorities at home and through them to the Privy Council, which she had thought existed, she claimed a restoration of the endowments. In the same way it might be argued that these private endowments of the Irish Church should revert to the successors of the original donors, because the real conditions they contemplated had not been carried out as soon as the religion came to be disestablished. We have traced back with considerable definiteness to 1660 a well-understood religious system as the Established religion, because that was a time when Puritans or Nonconformists—call them what you will—became a body external to the Established Church. Down to that time they were, more or less, within its pale, struggling for the mastery, and that in all the three countries. In England least, in Ireland more, and in Scotland with a distinct and unfailing preponderance over the Episcopal party. The argument of the right hon. Member for Buckinghamshire has been founded upon a total misconception of the nature of the argument I have endeavoured to put before you. I never considered for a moment that the title of the Irish Church to its possessions was one whit better or worse after 1660 than before. I never meant that conformity to, or dissent from, the Church of England was a test of a good or bad title to the property of the Church in Ireland. I argued to show that to make out the case of a private endowment you must show it was given to a definite religious system. Since 1660 there have been definite religious systems in both countries, but before that it was by no means so definite. I adhere to the proposition. We have been told to night that there was a perfect system of law and profession from the time of Elizabeth, but who heard of the Thirty-nine Articles during Queen Elizabeth's time? Nobody heard of them before 1634; and who brought them in? Archbishop Usher? The hard hand of Strafford brought them in, and Strafford, the Lord Deputy, sending for the prolocutor, gave them to him and ordered him to take them down to the Convocation, but charged him not to put the question "aye" or "no" whether they should be accepted. The old Confession did not cease in 1634 to be law in the Church of Ireland. It had the same authority as the Thirty-nine Articles. But it is the want of definiteness in the system upon which my argument entirely turns. We have had a little illustration of this lately, because I have had the honour of receiving a Presbyterian deputation from the General Assembly of Ulster, and the demand put forward by them was that we should not stop at 1660, but go behind that date. "Upon what ground do you ask that?" I inquired. "Upon this ground," they replied, "that if you can go back so as to bring in the glebes of the Ulster settlement, we, the Presbyterians, shall be in a position to claim a large share in those endowments." [*Opposition cheers.*] Very well, let us see how far we are to go upon this point. We will take that admission from hon. Members opposite; it is of some value. Supposing, therefore, we go back behind the year 1660—and it may, perhaps, be news to some hon. Members that a great multitude of these glebes were purchased out of the proceeds of taxation levied upon the citizens of London—we shall have to set about the pleasant task of dividing them between the two great sections of the Protestants of Ireland—an operation which I need not say would be eminently calculated to secure the harmony and peace of Protestantism. Some hon. Members have asked us not to stop with the private endowments of 1660, but to go back to 1560. But, if we assented to that proposition as respects private endowments, they would obtain a most barren victory, because the amount of the private endowments of the Church in that country stands at precisely zero. The right hon. Gentleman is deluding himself—no, I will not use that word, it is rather too strong—but he is misled when he supposes that £30,000 or £40,000 per annum was secured by that good and learned man Archbishop Bramhall to the Irish Church out of his own or out of private means. Archbishop Bramhall did sell property he possessed in England for himself and his family, and did buy for himself and his family another property in Ireland, but that property never became a portion of the ecclesiastical property of the Irish Church. What Archbishop Bramhall did was this—he made use of the strong arm of the law and the public authority to compel the Irish landowners, right and left, to disgorge the appropriations they had made in times of trouble from the ancient property of the Church. Strong as the Irish landowners then were, Archbishop Bramhall was as strong as they, and Strafford was stronger still; and in those days it was a formidable thing for a man to be hauled up before the Privy Council to account for the manner in which he had become possessed of ecclesiastical property. It was thus, by making use of the authority and the law in a manner that modern judicature might qualify by the odious appellation of "extortion," and perhaps by some slight money payments, he was enabled to appropriate large endowments for the use of the Church. The present Amendment of the right hon. Gentleman the Member for Buckinghamshire, like all his other Amendments relating to this subject, has been most astutely framed. He is not satisfied with going back to 1560—he looks, as I do, upon that 100 years as not worth fighting about as far as private endowments are concerned—he, taking a larger and more comprehensive view, disdains all limits, and says at once—"Let us go back to the Flood." Now, that is the effect of the well-advised Amendment of the right hon. Gentleman. I have said that between 1560 and 1660 the period was very barren; but if the centuries before these were well wrought and worked by good ecclesiastical antiquaries, they would yield a good deal. They would find that there were still in existence numerous private documents quite apart from the larger and more general controversy. But I must say a word or two upon the larger and more general controversy. I know that there are persons who think that the tithes themselves are to be regarded in the light of private endowments. That certainly was an opinion which in the 17th century was disputed between learned men, and therefore the whole tithes of Ireland might be brought in as private endowments, provided that the right hon. Gentleman, who has approached us to-night with the blandest accents—assuring us that his Amendment meant nothing more than an unimportant distinction of figures—could persuade us to change the date 1660 to an anterior date. Therefore, one effect of the Amendment being carried would be that most serious claims would be raised to the whole of the tithes of Ireland. But, independently of that, there are plenty of parochial glebes, and, probably, no inconsiderable number of episcopal and capitular estates, of which the original deeds of gift are in existence to this hour, which would, perhaps, if the Amendment were carried, all have to come out of our unfortunate surplus as coming under the head of private endowments, although I cannot regard that as a very powerful argument. But, putting that on one side, the right hon. Gentleman knows perfectly well, and the hon. and learned Gentleman sitting by his side knows perfectly well that there are plenty of pre-Reformation documents in existence granting land to the Church, and that, therefore, in the event of the Amendment passing, they would be entitled to sweep into the net of this society, which is about to exist in a disestablished form, all the property to which they refer. The question, therefore, that we have to ask ourselves is, do these gifts of land satisfy or do they not satisfy, the true conditions of private endowments for the purposes of this Bill so as to justify the right hon. Gentleman in comingto us and saying—"I claim this property under your own principles—I merely ask you to extend them a little further, and to give us the pre-Reformation as well as the post-Reformation private endowments?" It is quite evident that neither in policy nor in justice can such a proposal be entertained by us. We cannot assent to the pre-Reformation endowments remaining the property of the present Irish Church after it has passed into a state of disestablishment. Observe what we should do if we agreed to go back to the reign of James I. The Presbyterians would claim a share in the Crown grants of that reign. [*Opposition cheers.*] I understand from the cheers of hon. Members opposite that they are prepared to admit that claim; but they are not aware that if they go back to the time of Elizabeth and Henry VIII. they must be prepared for the claim of the Roman Catholics to the endowments granted before these reigns? Either we are or we are not to proceed upon the principles of religious equality, and I think that the right hon. Gentleman must by this time be beginning to see that his Amendment if agreed to would have a very serious effect indeed. How far that Amendment might go I am unable to say; but I am convinced that it would go very far indeed. I deny the justice and propriety of looking to a remote period at all for private endowments; but, if the Committee could be persuaded to look to such a period for them, it would be difficult to persuade the Roman Catholics that they were not entitled to them, and thus we shall revive the old controversy about St. Patrick, and give rise to an interminable theological controversy. I think that the sense of the House will feel that the only wise course for us to adopt is to avoid entering upon such a contest. I warn them not to listen to the Siren's voice, but to deal with the question in a spirit of common sense. The argument of the hon. and learned Gentleman (Sir Roundell Palmer) behind me goes rather to bring the date of 1660 down rather than force it up to an earlier period. In fixing upon the date 1660 we were actuated by the feeling expressed by the right hon. Gentleman the President of the Board of Trade, when he said—if he did say so—that the Bill would be a gracious and a generous one, and we felt that in fixing upon that date we had reached the furthest limit to which we could go and yet preserve intact the principle of the Bill. Under these circumstances I trust that the Committee will adhere to the date 1660 in the clause, and that they will reject the Amendment proposed by the right hon. Gentleman.

Sir ROUNDELL PALMER: I do not wish to address the Committee at any great length on this subject, but there are some things in connection with it to which I should like to refer, and more especially the latter part of the speech of my right hon. Friend at the head of the Government. My right hon. Friend has addressed the Committee, as he always does, in a speech of great ability and power, and, as I think he has done throughout these discussions, with the greatest candour and courtesy towards those from whom he differs. Now, I cannot but concur with my right hon. Friend to this extent—that the Amendment moved by the right hon. Gentleman opposite (Mr. Disraeli) does seem open—whether intended to be so or not, probably it is not intended—to the charge that it goes back indefinitely, and beyond the period of the Reformation. Looking to the decisions at which the House has already arrived, I do not think it would be consistent to ask the House to treat as private endowments of the Protestant Church in Ireland anything going back beyond the Reformation. If 1560 were taken instead of the date stated in the Bill, that would not be open to the same objection, as it would only cover private endowments subsequent to the Reformation. It appears to me that the arguments in favour of the proposition of the Government have been entirely at variance with each other. My hon. and and learned Friend the Member for Oxford (Mr. Harcourt) addressed an exceedingly able speech to the Committee; but it was a speech against the whole of the clause—against respecting any private endowments. Hon. Members may remember that, in some observations which I took the liberty of addressing to the House on a former occasion, I expressed myself as perfectly sensible of the force of the principle contended for my hon. and learned Friend. No doubt the State must continually regulate private endowments as well as public, if those private endowments are not for purposes strictly private. As my right hon. Friend the First Minister said we cannot dive into the minds of men who gave particular endowments to a Church which was at the time established, and say whether they were influenced more by the fact of that Church being established, or by sympathy with the religious tenets of the body in question. But the Government have settled that for us; and I think we may reasonably conclude that, in general, men do make these private endowments, not for political reasons, but from religious feeling and sympathy for the Church of which they are members. Yielding to that view, the Government thought it right to draw the line between public and private endowments. The sole question now is, whether, in point of time, the line is drawn on a consistent and intelligible principle. My right hon. Friend might have gone the whole length to which my hon. and learned Friend the Member for Oxford has gone, and might have refused to recognize any distinction between private endowments and public endowments; but as he has recognized it, the sole question for us is, as to whether a sound, rational, and consistent principle has been acted upon in choosing the particular date fixed by the Bill. Now, having listened to what has been said tonight by my right hon. Friend, with that respect as well as admiration which one cannot help feeling at hearing a case put in the best conceivable manner, by the best possible advocate, I confess I fail to see how the arguments can hold water which he has addressed on this subject to the Committee. I should like to put this case to hon. Gentlemen of the Roman Catholic religion in this House. Suppose that in Italy something like what has been done here should hereafter be proposed—for this Bill may possibly form a precedent in Italy and other countries, as well as in England—those who may desire to deal with ecclesiastical property in Italy may say—"This is the way in which the thing was done in England, and we find that Roman Catholics in England approved of and co-operated in this way of doing it." But I should like to know what those Roman Catholic Gentlemen would say, if a statesman in Italy, dealing with private endowments, should propose to draw the line at a time when the highest authority in the Roman Catholic Church first pronounced a particular dogma to be an article of faith? This is a thing which occurred very recently, and it may occur again. Or suppose the Italian statesman were to draw the line at the Council of Trent, when we know that a new aspect and character were impressed on the constitution of the Roman Catholic Church. Will any Roman Catholic admit that the Roman Catholic Church was a different Church before from that which it was after the Council of Trent, or a different Church before the promulgation of the dogma of the Immaculate Conception from that which it has been since? No, the common-sense way of drawing the line is to draw it at a point when there was a great interruption of the communion—a great break in the continuity of the body—when the faith of the adherents of the religion was disturbed in such a way as may be said to have altered the basis of the Church. Though legally and organically the old Church of England and the new one were the same, there can be no doubt the Reformation introduced changes which led to a separation of those who had before been of one communion, and which in many respects made the Church of England, as it is, different from the Church as it existed before. But in a case where a Church, without any interruption of communion, in the exercise of its inherent powers, makes laws from time to time which cause no schism—to say that any action of that sort can interrupt the continuity and identity of that Church is to lay down a doctrine which never was held before, and which certainly would be capable of a very enlarged application. The adoption of the Lambeth Articles, which themselves, as the very name proves, came from England, did not, in any true or substantial sense, alter the ecclesiastical relations between Ireland and England. As has been remarked, there was Puritanism enough in those days here. Many persons say there was a new Church from the time of the Reformation. That depends very much on the different meanings which different minds attach to the same words; but this is the first time anyone has suggested that there was a new Church of England in 1660. There is no more ground for suggesting that there was a new Church in Ireland then, than there is for suggesting that there was a new one in England. Archbishop Whitgift endeavoured to impose the same Lambeth Articles on the clergy of England. But these theological discussions are, in truth quite beside the question. The real question before the Committee is, will you or will you not limit the grace of the reservation of private endowments by fixing an arbitrary date? The date of 1660 is, in reality, quite arbitrary. By its legal constitution, the Church in Ireland before that date was Protestant, was Episcopal, had the Liturgy of the Church of England, recognized the same kind of ecclesiastical supremacy in the Crown, as much before as afterwards; and the declaration of the doctrines and faith already entertained, by the formal adoption of the Thirty-nine Articles of the Church of England, was made not in 1660, but in 1634. The Committee will, I am sure, deal with the subject as men of common sense. The argument of my right hon. Friend really comes to this—"If we acted on principles of law with strict consistency we should give you no private endowments at all; but we are disposed to act very generously towards you in giving you what you have no right to. We shall therefore go back to 1660 and stop there." I could understand your stopping at 1660, if there were any particular practical object to be gained by it; but my right hon. Friend says that the Protestant Episcopal Body would get no benefit from going back to 1560, because in the century between that and 1660 there were no private endowments. If that be so, nothing would be lost by your going back; but this would be gained—that you would be legislating upon a consistent principle. You say it is from generosity rather than anything else you are going to give those endowments, and that you are going to give them from the proper date—namely, the date at which you say the Church in Ireland assumed its present character by its union with the Church of England. But I take leave to say that the fact is otherwise; and that the argument by which you profess to establish that fact is one which no human ingenuity could make good. If a justification of it were possible it would have been placed before us by my right hon. Friend.

The ATTORNEY GENERAL for IRELAND (Mr. Sullivan) thought that when they came to examine the argument of the hon. and learned Member for Richmond (Sir Roundell Palmer) he would show that it was utterly unmaintainable. ["Oh, oh!"] Hon. Gentlemen must hear before they decided. The hon. and learned Member had suggested that the line for private endowments should be drawn at the date of the 2nd of Elizabeth. The reason why the hon. and learned Gentleman fixed that date was that, in that year, an Act of Uniformity was passed in Ireland in relation to the Liturgy of the Established Church. But what was the history of the Irish Church at that date. Any man who had read Irish history, even in the most cursory manner, must be convinced that at that time the Established

Church was not adopted by Ireland, but was forced by conquest upon the people of that country, and no Protestant historian of any authority had ever written who had not pronounced that opinion. No one but a person whose wits had been overturned by prejudice would state, in the face of intelligent men, that the Irish people belonged to the Protestant Church in the reign of Elizabeth. ["Oh, oh!"] The question was one which must be dealt with by argument, and not by interruption. He would prove his argument from the statute itself; and, indeed, it would be just as well that those hon. Gentleman who interrupted him should know something about the Act. By the 15th section of the Act of Uniformity it was enacted that, inasmuch as ministers were frequently unacquainted with the Irish tongue, they might dispense with the English Liturgy and say the prayers in Latin, and the same Act made it lawful for the same minister—

> "To say and use the Matins, Evensong, celebration of the Lord's Supper, administration of each of the Sacraments, and all their common and open prayers in the Latin tongue."

It was, therefore, absurd to say that any argument worthy of consideration could be adduced from this Act of Uniformity in favour of the Irish Church. Was not the provision that the service might be performed in Latin sufficient to annihilate the value of this statute as an Act of Uniformity? Lord Clare, an authority whom his right hon. and learned Friend opposite (Dr. Ball) would not despise, had in his speech on the Union in the Irish Parliament, for this very reason, declared the Act of Uniformity to be a solecism in the history of legislation. It made the Liturgy binding on the people of Ireland, but such an enactment was a farce. Now, the Convocations of 1615 and 1634 had been alluded to, and it had been contended that the Lambeth Articles in substance were never recognized in Ireland, and that the Thirty-nine Articles after 1634 were universally adopted. But, in Mant's *History of the Irish Church*, Usher is said to have stated, in a private letter, that, notwithstanding the Thirty-nine Articles were adopted, they were adopted with this qualification—that the Lambeth Articles were to remain in force, and that the Thirty-nine Articles were only to be adopted as far as they were consistent with the Lambeth Articles, which the earlier Convocation had agreed to. But there was a much stronger argument than any that could be founded upon the Convocations of 1615 and 1634. What was the state of Ireland when the so-called Glamorgan Treaty was entered into? They knew what the basis of that treaty was—

> "That the Roman Catholics should hold and enjoy all the churches and glebes by them enjoyed in the kingdom"—namely, Ireland—"or by them possessed since the 23rd of October, 1641, and all the churches in the kingdom other than those actually enjoyed by His Majesty's Protestant subjects."

The reason why 1660 was fixed on as the date in the measure was, that all before that was confusion, change, incoherence, and difference of opinion. It was to prevent the gross injustice that otherwise would follow that they had fixed that date; for they wished to prevent the new representative Church Body being able to capture private endowments never intended for the Established Church of Ireland, and thus perpetuate the very injustice which it was the aim and object of the Bill to prevent. He therefore hoped that the date of 1660 would be adopted.

Dr. BALL said, that when he stated the extent of property which he believed would be affected by the Amendment, the Committee would see how very little reason there was in the arguments which had been addressed to them from the opposite side of the House. He was aware of only two classes of property which could be regarded as private endowments from the 2nd of Elizabeth down to 1660. One was the gifts of Archbishop Bramhall—gifts which were by no means the gifts of that Prelate personally—and the other the glebes given by the London companies in the time of James I. to those of the clergy in their parishes for whom no provision of the kind had been made. Now, of the gifts of Bramhall, part of the money came from that Prelate, Laud gave a large sum, and Charles I. also contributed out of his private resources. He at once acknowledged the truth of the statement made by the right hon. Gentleman at the head of the Government that a greater engine than money was employed to recover the Church property—the power of Lord Strafford. There was at Lambeth at that moment a Return made with the object of showing what Strafford had done for the Church of Ireland, and what had been obtained by Archbishop Bramhall. But the Committee were not asked to give anything to the Church that had been obtained through the power of Strafford —solely to allow the Church to retain what was the produce of monies given by private persons out of their own resources. Then, with regard to the second gift, could any one doubt that the London companies were Protestant? Why, they were established in the country for the purpose of spreading a Protestant faith. In going back to Bramhall, he might state that Bramhall was the very Prelate employed by Strafford and Charles I. to bring the Irish Church back from their tendency to the Lambeth Articles and the doctrine of predestination. He was made Bishop of Derry in 1634, and attended the Convocation held in that year. It was through him that the communications were made, and by his influence that the Church then enacted a canon declaring its Articles to be the Articles of the Church of England. The property in question undoubtedly came from Anglican Episcopal sources. Even if it did not, he protested altogether against these miserable, minute, theological investigations; he protested, also, against it being laid down that the Church of England necessarily excluded Calvinism outside of her Articles. He asserted that the Articles were framed to include the doctrines of St. Augustine as well as the doctrines of those who opposed them. There was no single theological tenet which you could less take as a line of demarcation between different Churches than that of predestination. St. Augustine held it, St. Chrysostom denied it. Among the Catholics the Jansenists held it and the Jesuits denied it; in the English Church one Prelate had held it and another denied; in short it was a question on which, inside every Church, men differed, because it was a matter of abstract reasoning, not, except in the Scotch Church, incorporated into their creeds or formularies. Therefore, this description of investigation was wholly unworthy to occupy the time of the Committee, and wholly unworthy of pursuit by a great statesman; indeed, it was descending from the position of a statesman to that of a school divine, to weigh and balance these extreme niceties of opinion on one of the most difficult questions that ever occupied the human mind. The real question was, not the tenets but the existence of a Protestant Episcopal Church which received the private endowments prior to 1660. It could not be denied that the Presbyterians were excluded by the Act of Uniformity, because it expressly enacted Episcopacy; it also broke with Rome, and that and the concurrent Act enacted the supremacy of the Sovereign in Ireland, and excluded that of the Pope. There was, therefore, a tangible line of demarcation between the Episcopal Church in Ireland and the Presbyterian and Roman Catholic Churches; and any man who gave money in the interim between the two periods of 2nd Elizabeth and 1660, knew he was giving it to a Church which was not Presbyterian, and which had shaken off allegiance to Rome. The hon. and learned Member for Oxford (Mr. Harcourt) had met the Amendment in a bold way, by asserting principles which would expunge the clause from the Bill. The clause admitted that private endowments ought to be saved; and none were so interested in resisting the doctrines of the hon. and learned Member for Oxford as the Roman Catholics of Ireland, for by those doctrines a large amount of property which had been given by testamentary disposition to the institutions of that Church, monastic and conventual, was imperilled, because, according to those doctrines, it made no difference whether endowments came from a public or a private source, and what gave the State dominion was that the endowments were for religious purposes. They were, therefore, to inquire, not as to the source, but as to the destination of endowments. This was an extremely dangerous doctrine; it would discourage gifts to the new body which, under the provisions of the present Bill, was to be formed for the Church; and therefore, in the name of the Church to which he belonged, and which in future must depend upon the generosity of the Protestants of Ireland, and also in the name of the Roman Catholic Church, which for its advancement and improvement must depend upon gifts and bequests of property to raise the priests above dependence on the fees of their flocks, he protested against a doctrine which would shake to their foundation the rights of men in the disposition of their property.

MR. CHICHESTER FORTESCUE said, that, although the right hon. and learned Gentleman (Dr. Ball) had spoken only of private endowments, they had only to turn over a page of the Amendments to see what was in store. The right hon. Member for Buckinghamshire would propose to hand over to the Church Body all land held by the Church of Ireland, under Royal or public grants, from the second year of Elizabeth. So far from defending the Amendment, which, as it had been said, by leaving the date out of the clause, would carry its operation back to the Flood — the right hon. and learned Gentleman had gone back only to the date of Archbishop Bramhall: he ought to have taken an historical cycle, instead of a single generation. Having made it his business to read as much as, perhaps, any hon. Member had about Archbishop Bramhall, he was convinced that that able and energetic man conferred by far the greater part of the benefits he did upon the Irish Church—not at the cost of his own pocket, but at the cost of others—and that what had been said that night was within the mark with respect to the extraordinary advantages and powers which that Prelate possessed in the then state of the government of Ireland, through his connection with the Lord Deputy Strafford, and from the confused state of the times and the powerless condition of the Irish landlords who had acquired Church lands. One method of procedure which was adopted had not been alluded to; and that was borrowing large sums of money upon the security of the lands, and afterwards repudiating liability. The amount of endowment to be discovered in the gifts or rather the restorations of Bramhall was infinitesimal; and to discover and distinguish these endowments would require a vast and portentous amount of antiquarian research. The right hon. and learned Gentleman deprecated theological research; but he was ready to embark in any amount of antiquarian research. So far, he was in harmony with the right hon. Member for Buckinghamshire, who proposed that the Commissioners, in deciding upon private endowments, should receive and act upon "historical and other evidence;" but what that meant he was at a loss to understand, and the Government were not inclined to commit Parliament and the Commissioners to such a task. If this were a matter of absolute right and strict justice, research would be necessary; but these ancient private endowments had become incorporated with the public property of the Irish Church, and were to be dealt with upon considerations of expediency, while to go back beyond 1660 would involve only confusion and uncertainty. The Bill did substantial justice in drawing the line at this point, and he hoped the Committee would adopt it.

Mr. GATHORNE HARDY said, the right hon. Gentleman had repeated the taunt of the Prime Minister, that this Amendment would carry them back to the Flood. But if he had perused the page he would have found a subsequent Amendment which limited them to the second year of the reign of Elizabeth. [Mr. Chichester Fortescue: For public and Royal grants.] True; but his right hon. Friend never intended to go beyond the post-Reformation times. His present Amendment was to omit the year 1660, and he must be judged not by what he proposed to leave out, but by what he proposed to insert in its place. They said that the date 1660 was an improper date. How had it been defended? The Attorney General for Ireland said, that the Church of Ireland was forced on the Irish people in the second year of the reign of Queen Elizabeth. Well, suppose it was, and suppose that people gave out of their private resources endowments as a means of supporting that Church, was that a reason for depriving her of them now? These endowments were not forced from the people, but were given to the Church willingly. Then the right hon. and learned Gentleman referred to the Act of Uniformity, and said it allowed prayers to be read in Latin. As the right hon. and learned Gentleman talked of Matins and Evensong, he was apt to produce the impression that these were the prayers of the Church of Rome that were permitted to be said; but the right hon. and learned Gentleman was too good a scholar not to know, that the prayers here referred to were the prayers of the Liturgy of the Church of England which had been translated into the Latin tongue and were permitted to be used by the Irish priests. It was true that, in 1615, the Lambeth Articles were adopted by Convocation, but they were adopted irregularly, for they were never sanctioned by Parliament, and, in 1634, the Thirty-nine Articles were implicitly and fully adopted by the Convocation. The right hon. Gentleman at the head of the Government said that Strafford did not allow them to say "Yes" or "No." But in 1634 the Church in Ireland was in the same condition as it was at present, and whatever bequests were given to the Protestant Church were given to it as severed from the Church of Rome, and as severed from Presbyterianism by Episcopacy. With respect to 1641, the right hon. and learned Gentleman the Attorney General for Ireland had appealed to the great violence of the time when the Churches and glebes were taken possession of by the Roman Catholics, and said that there was an intention that some terms should be made with them. Those terms, however, were never made, and it was usurpation on their part to take possession of the glebes and churches. That usurpation arose in consequence of the great violence of the times; but that circumstance could not alter the condition of the Irish Church, which was the same now as it was then. The right hon. Gentleman at the head of the Government had laid down the principle that the bequests in order to come within the benefit of the Bill must be bequests to a definite religious persuasion, and such, it must be admitted, was the character of the Irish Church from the time of the Reformation. How, then, could it be shown that there was anything different in the state of the Irish Church in 1660? There was only the restoration of the King; and the Act of Uniformity then passed did not alter the creed of the Church, but only bound the Church down to a particular way of testing the creed, and to a certain mode of action in the conduct of Divine service, but it did not alter that service materially. The hon. and learned Member for Oxford (Mr. Harcourt) had adverted to him personally. All that he would say was that the arguments of the hon. and learned Gentleman were not addressed to the question before the House, and when he was arguing as to the question of altering endowments at Oxford, there was never any intention of taking them away. The hon. and learned Gentleman argued against protecting private endowments at all. He (Mr. Gathorne Hardy) contended that a case had been made out for protecting private endowments, and that there was no difference between the century preceding 1660 and the period which had elapsed since that time.

Mr. CHICHESTER FORTESCUE inquired whether it was proposed to limit the Amendment to post-Reformation grants?

Mr. GATHORNE HARDY replied in the affirmative.

Question, "That the words 'since the year' stand part of the Clause," put, and *agreed to.*

Mr. GATHORNE HARDY proposed an Amendment to alter the date in the clause from "1660" to "1560."

Amendment proposed, to leave out the word "sixteen" in order to insert the word "fifteen." — (*Mr. Gathorne Hardy.*)

Mr. GLADSTONE: I must detain the House for a few words, for I find that the issue has changed at the latest moment. We have been debating all night the entire removal of the limit. What we are now called on to do is to recognize the principle of private endowment as to the basis of our measure as far back as it can go—that is to say, for 300 years beneficial in its operation to Protestantism, and when we have gone back these 300 years, we then come to 400 more, during which the Irish Church was historically, undoubtedly, and undeniably, Papal. We then stop the principle of private endowment and refuse to apply it on behalf of Roman Catholics, and that in a measure which is fundamentally based on religious equality.

Mr. DISRAELI: I do not think the issue to which the right hon. Gentleman refers has ever been introduced into this debate. The real issue before us is very simple; but we are dealing only with the Protestant Episcopal Church, and the clause of the right hon. Gentleman which I propose to amend refers only to that; and the argument of the right hon. Gentleman in introducing it was solely confined to the Protestant Episcopal Church. He says—"I have fixed the year 1660, because that is the first time in which I find a legislative character and form given to the Irish Church," and the argument has been that, on the contrary, from the moment the Protestant Episcopal Church was introduced into Ireland by Elizabeth, there has been a continuous spirit there, and the same form, and the same character, and the same shape have been maintained. Therefore, the opinion of the Committee has not for a moment been diverted to any other subject, and we have hitherto been arguing substantially whether the post-Reformation endowments by private persons shall be respected in this spoliation of the Protestant Church.

Question put, "That the word 'sixteen' stand part of the Clause."

The Committee *divided:*—Ayes 306; Noes 220: Majority 86.

AYES.

Acland, T. D.
Agar-Ellis, hon. L. G. F.
Allen, W. S.
Amcotts, Col. W. C.
Amory, J. H.
Anderson, G.
Anstruther, Sir R.
Antrobus, E.
Armitstead, G.
Ayrton, A. S.
Aytoun, R. S.
Backhouse, E.
Bagwell, J.
Baines, E.
Baker, R. B. W.
Barry, A. H. S.
Bass, M. A.
Baxter, W. E.
Bazley, T.
Beaumont, Capt. F.
Beaumont, S. A.
Beaumont, W. B.
Bentall, E. H.
Blake, J. A.
Blennerhassett, Sir R.
Bolckow, H. W. F.
Bonham-Carter, J.
Bouverie, rt. hon. E. P.
Bowring, E. A.
Brady, J.
Brand, rt. hon. H.
Brassey, H. A.
Brassey, T.
Brewer, Dr.
Bright, rt. hon. J.
Bright, J. (Manchester)
Brinckman, Captain
Brocklehurst, W. C.
Brogden, A.
Brown, A. H.
Bruce, Lord C.
Bruce, rt. hon. H. A.
Buller, Sir E. M.
Bury, Viscount
Buxton, C.
Campbell, H.
Candlish, J.
Cardwell, rt. hon. E.
Carington, hn. Cap. W.
Carnegie, hon. C.
Carter, Mr. Ald.
Cartwright, W. C.
Castlerosse, Viscount
Cave, T.
Cavendish, Lord F. C.
Cavendish, Lord G.
Chadwick, D.
Chambers, T.
Childers, rt. hon. H. C. E.
Cholmeley, Captain
Cholmeley, Sir M.
Clay, J.
Cogan, rt. hon. W. H. F.
Colebrooke, Sir T. E.
Coleridge, Sir J. D.
Collier, Sir R. P.
Colthurst, Sir G. C.
Cowen, J.
Cowper, hon. H. F.
Craufurd, E. H. J.
Crossley, Sir F.
Dalglish, R.
Dalrymple, D.
D'Arcey, M. P.
Davie, Sir H. R. F.
Davies, R.
Davison, J. R.
Delahunty, J.
De La Poer, E.
Denison, E.
Denman, hon. G.
Dent, J. D.
Devereux, R. J.
Dickinson, S. S.
Digby, K. T.
Dilke, C. W.
Dillwyn, L. L.
Dodds, J.
Downing, M'C.
Dowse, R.
Duff, M. E. G.
Duff, R. W.
Dundas, F.
Edwardes, hon. Col. W.
Edwards, H.
Egerton, Capt. hon. F.
Ellice, E.
Enfield, Viscount
Ennis, J. J.
Erskine, Vice-Ad. J. E.
Esmonde, Sir J.
Ewing, H. E. C.
Eykyn, R.
Fagan, Captain
Fawcett, H.
FitzGerald, rt. hn. Lord O. A.
Fitzmaurice, Lord E.
FitzPatrick, rt. hn. J. W.
Fletcher, I.
Fordyce, W. D.
Forster, C.
Forster, rt. hon. W. E.
Fortescue, rt. hon. C. P.
Fortescue, hon. D. F.
Fothergill, R.
Fowler, W.
Gavin, Major
Gilpin, C.
Gladstone, rt. hn. W. E.
Gladstone, W. H.
Goldsmid, Sir F. H.
Goschen, rt. hon. G. J.
Gourley, E. T
Gower, hon. E. F. L.
Graham, W.
Gray, Sir J.
Gregory, W. H.
Greville, Captain
Greville-Nugent, Col.
Grey, rt. hon. Sir G.
Grieve, J. J.
Grosvenor, Earl
Grosvenor, Lord R.
Grove, T. F.
Hadfield, G.
Hamilton, E. W. T.
Hamilton, J. G. C.
Harcourt, W. G. G. V. V.
Harris, J. D.
Hartington, Marquess of
Haviland-Burke, E.
Hay, Lord J.
Henderson, J.
Henley, Lord
Herbert, H. A.
Hibbert, J. T.
Hoare, Sir H. A.
Hodgkinson, G.
Holms, J.
Hoskyns, C. Wren-
Howard, hon. C. W. G.
Hughes, W. B.
Hutt, rt. hon. Sir W.
Hyde, Lord
James, H.
Jardine, R.
Jessel, G.
Johnston, A.
Johnstone, Sir H.
King, hon. P. J. L.
Kingscote, Colonel
Kinnaird, hon. A. F.
Kirk, W.
Knatchbull-Hugessen, E. H.
Lawrence, J. C.
Lawrence, W.
Lawson, Sir W.
Layard, rt. hon. A. H.
Lea, T.
Leatham, E. A.
Lefevre, G. J. S.
Lewis, J. D.
Lloyd, Sir T. D.
Loch, G.
Locke, J.
Lowe, rt. hon. R.
Lush, Dr.
Lusk, A.
Lyttelton, hon. C. G.
M'Arthur, W.
M'Clean, J. R.
MacEvoy, E.
Macfie, R. A.
Mackintosh, E. W.
Maguire, J. F.
M'Lagan, P.
M'Laren, D.
Maitland, Sir A. C. R. G.
Magniac, C.
Marling, S. S.
Martin, C. W.
Martin, P. W.
Matthews, H.
Miall, E.
Milbank, F. A.
Milton, Viscount
Moncreiff, rt. hon. J.
Monk, C. J.
Monsell, rt. hon. W.
Moore, G. H.
Morgan, G. O.
Morley, S.
Morrison, W.
Mundella, A. J.
Muntz, P. H.
Murphy, N. D.
Nicol, J. D.
North, F.
O'Conor, D. M.
O'Conor Don, The
O'Donoghue, The
Ogilvy, Sir J.
O'Loghlen, rt. hon. Sir C. M.
Onslow, G.
O'Reilly, M. W.
O'Reilly-Dease, M.
Otway, A. J.
Palmer, J. H.
Parker, C. S.
Parry, L. Jones-
Pease, J. W.
Peel, A. W.
Pelham, Lord
Philips, R. N.
Pim, J.
Platt, J.
Playfair, L.
Plimsoll, S.
Pochin, H. D.
Pollard-Urquhart, W.
Portman, hon. W. H. B.
Potter, E.
Potter, T. B.
Power, J. T.
Price, W. E.
Price, W. P.
Ramsden, Sir J. W.
Rathbone, W.
Rebow, J. G.
Reed, C.
Richard, H.
Richards, E. M.
Robertson, D.
Roden, W. S.
Rothschild, Brn. M. A. de
Rothschild, N. M. de
Russell, A.
Russell, H.
Rylands, P.

St. Aubyn, J.
St. Lawrence, Viscount
Salomons, Mr. Ald.
Samuda, J. D'A.
Samuelson, B.
Samuelson, H. B.
Sartoris, E. J.
Scott, Sir W.
Seely, C.
Shaw, R.
Shaw, W.
Sherlock, D.
Sherriff, A. C.
Simeon, Sir J.
Simon, Mr. Serjeant
Smith, J. B.
Smith, T. E.
Stacpoole, W.
Stanley, hon. W. O.
Stansfeld, rt. hon. J.
Stapleton, J.
Stepney, Colonel
Stevenson, J. C.
Stone, W. H.
Strutt, hon. H.
Sullivan, rt. hon. E.
Sykes, Col. W. H.
Synan, E. J.
Talbot, C. R. M.
Taylor, P. A.
Tollemache, hon. F. J.
Tomline, G.
Torrens, R. R.
Torrens, W. T. M'C.
Tracy, hon. C. R. D. H.
Trevelyan, G. O.
Verney, Sir H.
Vivian, A. P.
Vivian, H. H.
Vivian, Cap. hn. J. C. W.
Wedderburn, Sir D.
Weguelin, T. M.
Wells, W.
West, H. W.
Westhead, J. P. B.
Whalley, G. H.
Whatman, J.
Whitbread, S.
White, hon. Cap. C.
Whitwell, J.
Whitworth, T.
Williams, W.
Williamson, Sir H.
Wingfield, Sir C.
Winterbotham, H. S. P.
Young, A. W.
Young, G.

TELLERS.

Glyn, G. G.
Adam, W. P.

NOES.

Adderley, rt. hon. C. B.
Akroyd, E.
Allen, Major
Amphlett, R. P.
Annesley, hon. Col. H.
Archdall, Capt. M.
Arkwright, Aug. P.
Arkwright, R.
Bagge, Sir W.
Bailey, Sir J. R.
Ball, J. T.
Baring, T.
Barnett, H.
Barttelot, Colonel
Bateson, Sir T.
Bathurst, A. A.
Beach, Sir M. H.
Beach, W. W. B.
Bective, Earl of
Biddulph, M.
Bingham, Lord
Booth, Sir R. G.
Bourke, hon. R.
Bright, R.
Brise, Col. R.
Broadley, W. H. H.
Brodrick, hon. W.
Bruce, Sir H. H.
Bruen, H.
Buckley, Sir E.
Butler-Johnstone, H. A.
Cameron, D.
Cartwright, F.
Cave, rt. hon. S.
Cecil, Lord E. H. B. G.
Chaplin, H.
Charley, W. T.
Child, Sir S.
Clifton, Sir R. J.
Clive, Col. E.
Clive, Col. hon. G. W.
Clowes, S. W.
Cole, Col. hon. H. A.
Collins, T.
Conolly, T.
Corrance, F. S.
Courtenay, Viscount
Crichton, Viscount
Croft, Sir H. G. D.
Cross, R. A.
Cubitt, G.
Curzon, Viscount
Dalrymple, C.
Damer, Capt. Dawson-
Dawson, R. P.
De Grey, hon. T.
Denison, C. B.
Dick, F.
Dimsdale, R.
Disraeli, rt. hon. B.
Du Pre, C. G.
Dyott, Col. R.
Eaton, H. W.
Egerton, hon. A. F.
Egerton, E. C.
Egerton, Sir P. G.
Egerton, hon. W.
Elliot, G.
Elphinstone, Sir J. D. H.
Feilden, H. M.
Fellowes, E.
Fielden, J.
Figgins, J.
Finch, G. H.
Floyer, J.
Forde, Colonel
Forester, rt. hon. Gen.
Fowler, R. N.
Galway, Viscount
Garlies, Lord
Gilpin, Col.
Goldney, G.
Gooch, Sir D.
Gore, J. R. O.
Gore, W. R. O.
Grant, Colonel hon. J.
Graves, S. R.
Gray, Lieut.-colonel
Greaves, E.
Greene, E.
Gregory, G. B.
Guest, A. E.
Gurney, rt. hon. R.
Hambro, C.
Hamilton, Lord C.
Hamilton, Lord G.
Hamilton, I. T.
Hamilton, Marquess of
Hardy, rt. hon. G.
Hardy, J.
Hardy, J. S.
Hay, Sir J. C. D.
Headlam, rt. hon. T. E.
Henley, rt. hon. J. W.
Henniker - Major, hon. J. M.
Henry, J. S.
Herbert, rt. hon. Gen. P.
Hermon, E.
Hervey, Lord A. H. C.
Hesketh, Sir T. G.
Heygate, Sir F. W.
Hick, J.
Hildyard, T. B. T.
Hill, A. S.
Hoare, P. M.
Holford, R. S.
Holmesdale, Viscount
Holt, J. M.
Hope, A. J. B. B
Hornby, E. K.
Howes, E.
Hunt, rt. hon. G. W.
Hutton, J.
Ingram, H. F. M.
Jenkinson, Sir G. S.
Johnston, W.
Jones, J.
Kavanagh, A. MacM.
Kekewich, S. T.
Keown, W.
Knight, F. W.
Knox. Hon. Col. S.
Laird, J.
Langton, W. H. P. G.
Lefroy, A.
Legh, W. J.
Lennox, Lord G. G.
Lennox, Lord H. G.
Liddell, hon. H. G.
Lindsay, Hon. Col. C.
Lindsay, Col. R. L.
Lopes, H. C.
Lowther, J.
Lowther, W.
Malcolm, J. W.
Manners, Lord G. J.
Manners, rt. hn. Lord J.
March, Earl of
Mellor, T. W.
Milles, hon. G. W.
Mills, C. H.
Montagu, rt. hon. Lord R.
Morgan, C. O.
Morgan, hon Major
Mowbray, rt. hon. J. R.
Neville-Grenville, R.
Newdegate, C. N.
Newport, Viscount
Nicholson, W.
North, Colonel
Northcote, rt. hon. Sir S. H.
O'Neill, hon. E.
Paget, R. H.
Pakington, rt. hon. Sir J.
Palk, Sir L.
Palmer, Sir R.
Parker, Major W.
Peek, H. W.
Peel, A.
Peel, rt. hon. Sir R.
Pemberton, E. L.
Percy, Earl
Phipps, C. P.
Raikes, H. C.
Ridley, M. W.
Round, J.
Sandon, Viscount
Saunderson, E.
Sclater-Booth, G.
Scourfield, J. H.
Selwin - Ibbetson, Sir H. J.
Shirley, S. E.
Sidebottom, J.
Simonds, W. B.
Smith, A.
Smith, F. C.
Smith, R.
Smith, S. G.
Smith, W. H.
Stanley, Hon. F.
Stanley, Lord
Starkie, J. P. C.
Stopford, S. G.
Stronge, Sir J. M.
Sturt, H. G.
Sturt, Lt. Col. N.
Sykes, C.
Talbot, J. G.
Taylor, rt. hon. Col.
Tollemache, J.
Trevor, Lord A. E. H.
Turner, C.
Turnor, E.
Vance, J.
Verner, E. W.
Verner, W.
Walpole, hon. F.
Walpole, rt. hon. S. H.
Walsh, hon. A.
Waterhouse, S.
Welby, W. E.
Wethered, T. O.
Wheelhouse, W. S. J.
Whitmore, H.
Williams, C. H.
Williams, F. M.
Winn, R.
Wise, H. C.
Wright, Colonel
Wynn, Sir W. W.

TELLERS.

Noel, G. J.
Dyke, W. H.

Mr. DISRAELI then moved the following Amendment:—

Line 28 after "one" leave out "but," and insert, "and in determining whether any property so claimed is a private endowment it shall be lawful for the Commissioners to receive and act upon such historical and other evidences as may seem to them to be satisfactory, although the same may not be evidence of a legal character, and also to allow the reasonable costs, charges, and expenses of such application, and of tracing the history of such endowments."

Mr. GLADSTONE remarked that the Amendment divided itself into two parts—the first relating to the character of of the evidence upon which the Commissioners were to act, and the second to the question of costs. With respect to the first part he would simply remark that, although he hoped the Commissioners would embrace in their number a strong infusion of real power of investigation, and possess a sufficient knowledge of the habits and rules by which their inquiries ought to be directed, they yet would not be bound by the technical rules of evidence in any way. The reasonable object of the right hon. Gentleman, so far as that point was concerned, might, therefore, be regarded as being already attained. As to the allowance of costs, he did not think the present clause was the most convenient part of the Bill to specify anything on that subject; but he entirely concurred with the right hon. Gentleman in the view which he took in the matter, and words to carry that view into effect would be introduced into the Bill.

Mr. GATHORNE HARDY replied that, under those circumstances, it was not necessary to press the Amendment.

Amendment, by leave, *withdrawn.*

Mr. DISRAELI moved, in line 33, to leave out "within twenty-five years before the passing of this Act," and insert "since the year one thousand eight hundred."

Amendment *agreed to.*

Sir FREDERICK W. HEYGATE, in rising to move an Amendment, of which he had given notice, on line 42, observed that, since its purport had been so eloquently explained by the hon. Member for Mid-Lincolnshire (Mr. Chaplin), it would be unnecessary for him to enter at any length into the history of the Plantation of Ulster. A large proportion of those who settled in Ulster professed the Presbyterian form of religion, and were induced to go over to Ireland in consequence of the promises of the Government to give assistance to their Church. He confessed he sympathized very much with these Presbyterians, and thought an endowment for them ought to be preserved. He felt that a great deal was to be said in favour of those Presbyterians. The total amount in dispute was not more than £30,000 or £40,000 per annum, and this sum would provide for the parochial system in that province and the services of religion in parishes where there were respectable, not to say numerous, congregations; for it was an undoubted fact that the Church population in Ulster, if equally divided, amounted to an average of 580 individuals in each parish. Was it right, he would ask, to put a stop to the parochial system when the congregation was so numerous? The hon. and learned Member for the city of Oxford (Mr. Harcourt), had stated that every trust must be subject to revision at the end of a certain number of years; but the hon. Gentleman had omitted to state that revisions of this kind invariably occurred on the supposition that the original trust had either expired or entirely changed in its character. With regard to Ulster, however, nothing of the kind had occurred. There the parochial system was still required, and the congregations were at the present moment in existence. The right hon. Gentleman at the head of the Government admitted that documents might be found by which endowments to localities could be traced. At this late hour he would not go fully into the argument, but would content himself by asking the right hon. Gentleman whether it was wise to refuse to listen to the united cry of the most loyal and populous part of Ireland. Why should they be mixed up in the treatment of the treasonable part of Ireland?

Amendment proposed, in page 13, line 42, at the end of the Clause, to add the words—

"When any real property so becoming vested in the Commissioners consists of glebe lands, or other hereditaments which have been appropriated, or granted, by or in pursuance of any Statute, or Royal Grant, or Letters Patent, since the second year of Queen Elizabeth, for the endowment of any rectory, vicarage, or other parochial benefice, the Commissioners shall, on the application of the said representative body, made within six months after the first day of January one thousand eight hundred and seventy-one, by order vest such property in such representative body, subject to any life interest subsisting therein."—(*Sir Frederick Heygate.*)

Mr. CHICHESTER FORTESCUE said, it must be evident to the Committee that it would be impossible for the Government, in common consistency, to agree to the Amendment, because the grants referred to by the hon. Baronet were in no sense private grants, but in the fullest sense of the words grants of a public character. Indeed, the very words used in the Amendment stamped them with that character. Not only were these Royal grants of the Crown, but it was an interesting historical fact, which was not without some bearing on the present discussion, that in the main these were not grants of new lands for the first time devoted to the purposes of the Reformed Church, but were almost solely restoration of the old Church lands. [Mr. Conolly: Not at all.] It was, he believed, a matter capable of historical proof that these lands had in the main belonged to the old Church, and had either been directly handed over by Elizabeth to the Reformed Church, or had been restored to it, after having passed for a brief period into the hands of lay occupiers, who had obtained them by means which it was not necessary for him to specify on the present occasion. The broad facts were that these were Royal grants made by the Crown to the National State Church of Ireland; and now that that Church was about to cease to exist it would be extremely inconsistent if those public grants were treated as though they were of a private nature. For these reasons he hoped the Committee would not agree to the Amendment.

Mr. CONOLLY hoped the right hon. Gentleman would not deny that his hon. Friend (Sir Frederick Heygate) was Member for the county of Londonderry, because his audacious—he would not say insolent—denial—["Order."]—

The CHAIRMAN intimated that the hon. Gentleman was approaching to the use of expressions which were not Parliamentary.

Mr. CONOLLY said he would withdraw the expression, which had slipped from him by mistake, for no one knew his right hon. Friend's amenity more than he did. But the right hon. Gentleman's denial of the hon. Baronet's request was not so well founded as he seemed to imagine. The question at issue was not whether any Royal grants should be taken into consideration; but that the grants made by the London companies to the Irish Church should be necessarily considered before that Church was swept from the face of the earth by a tyrannical majority. That question had two aspects—one as it affected the Protestants and the other as it affected the Catholics. The right of the Protestant landlords of Ireland to their estates depended upon the Act of Settlement. But what was the Catholic view of the matter? Mr. O'Connell had often alluded in that House to the Act of Settlement, and always in terms of the greatest reprobation. Mr. O'Connell had held out to his followers the repeal of the Union and the resumption of the forfeited estates; and the *ignis fatuus* presented by that great agitator to his countrymen was now being offered to them by the right hon. Gentleman at the head of the Government. If by this Bill they tore up the first page of the Act of Settlement the estates of the Irish landlords would come to be dealt with as the next stage of the transaction. The most serious interests hung upon the clause they were discussing. They were not only disestablishing and disendowing the Church, but striking a heavy blow at the loyal relations between Ulster and this country, and destroying the peace and harmony of Ireland. Those great questions were hardly to be settled by a majority rushing in after dinner to vote on a matter which they had not carefully considered; and it would be a serious thing if, about the 12th of July next, they heard of something in the North of Ireland which would show that the Plantation of Ulster was not ignored there, as a majority of that House seemed to suppose.

Lord CLAUD HAMILTON said, he was sorry that that subject had been mooted at so late an hour, and he would reserve to himself the full right of entering into it on another occasion. He would now, however, just notice the unsatisfactory manner in which the Prime Minister had met the speech of the hon. Member for Mid-Lincolnshire (Mr. Chaplin), the ability of which the right hon. Gentleman had fully acknowledged. The right hon. Gentleman admitted that they could not refuse to be guided by the dictates of justice; but then he argued that if they followed out that principle the Presbyterians would get all the advantage, and not the Established Church. That was not a fair way of treating the matter. If the Presbyterians were really entitled in justice to those endowments, let them have them; but it was not consistent for the right hon. Gentleman to fly off from the question, and to tell the hon. Member for Mid-Lincolnshire that, even admitting his argument based on justice to be sound, the Established Church would not be the body to profit most by their adhering to the principle of justice.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 180; Noes 283: Majority 103.

MR. GLADSTONE: On the next clause no notice of Amendment has been given, and there is convenience in now taking it, for we shall then have arrived at the close of one of the divisions of the Bill.

MR. VANCE moved that the Chairman report Progress.

MR. GLADSTONE said, he should not resist that Motion; but with regard to proceeding with the Bill to-morrow, he wished to say that the hon. Member for Sunderland (Mr. Candlish) and the hon. Member for Galway (Mr. W. H. Gregory), who had Motions on the Paper, had promised to give way, with a view to promoting the progress of the Bill, and he hoped that other Gentlemen might be disposed to follow their example. But the hon. Member for Liverpool (Mr. Graves) had given notice that he would raise a discussion to-morrow on the recent occurrences in Ireland. He could not say anything at present beyond this, that it was very possible it might be his duty to appeal to the hon. Member on public grounds not to proceed so early with that discussion. Of course, what the hon. Member had said had reference a good deal to the language attributed to the Mayor of Cork, which language, if really used, could not be too severely condemned. He (Mr. Gladstone) had received a telegram in the course of the evening, which he thought the House would be glad to hear. It was from Mr. Thomas Lyons, who, he was informed, was an eminent citizen of Cork, and who said that he intended to ask the Mayor of Cork in public meeting if he adopted the words relative to the assassin O'Farrell attributed to him in the local papers; and if so, to call upon him to resign his office. It was obvious that the House would wish to be in complete possession of the facts before proceeding with the discussion.

MR. W. H. GREGORY hoped that if he postponed his Motion, he should have an early opportunity afforded him by the Government of bringing it on.

COLONEL GILPIN said, Mr. Lyons might be a very important person; but, inasmuch as the Chief Secretary for Ireland had told them the Lord Chancellor himself could not remove the Mayor of Cork if he declined to resign, he did not see why Mr. Lyon's intention of asking the Mayor a question should influence the proceedings of this House.

MR. GLADSTONE trusted the Committee would not misapprehend him. He referred to the telegram to establish the fact that the Mayor of Cork was to be publicly challenged to deny the words. Whether he would deny the words or not was an important matter for them to consider.

VISCOUNT SANDON said, his hon. Colleague (Mr. Graves) was the last person to give a Notice of so much importance if he did not intend to bring it before the House. He did not think he was simply actuated by the news recently received. His Colleague was not actuated by anything like a party motive, but by a sense of the highest duty.

LORD JOHN MANNERS pointed out that the Notice of Motion had been given, not in consequence of what had appeared in the papers respecting the Mayor of Cork, but from the unsatisfactory answer given by the Chief Secretary for Ireland to his Question respecting the condition of Westmeath and Tipperary.

Motion *agreed to*.

House *resumed*.

Committee report Progress; to sit again *To-morrow*.

PHARMACY ACT (1868) AMENDMENT BILL.—[Bill 37.]

(*Lord Robert Montagu, Sir Graham Montgomery.*)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Dr. BREWER said, he had an Amendment on the Paper that the Bill should be committed that day six months. The Bill would not secure the purposes it contemplated, and would raise objections of a more serious character than those at present entertained on the subject. The word "poison" was used in the Act of last year, which this Bill proposed to amend, in a way that would lead to great inconvenience; and it was of the utmost importance that the wide application of the word in that Act should not be permitted to remain law. The word as used would include paregoric lozenges and other preparations which were of a comparatively harmless character. It was highly objectionable that such substances, when sold, should be labelled "poison;" and, in many cases, medicines so inscribed would have a very injurious effect upon patients, simply from the patient being aware that the medicine was so described.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee," — (*Dr. Brewer,*) — instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. NEWDEGATE said, that the Bill was not to extend to veterinary surgeons, and a great deal of confusion would arise in consequence of it, especially in Scotland, because anybody, a mere farrier for instance, who called himself a veterinary surgeon, would come within the provision.

Mr. W. E. FORSTER said, he hoped the House would be allowed to go into Committee, and that his hon. Friend (Dr. Brewer) would not press his opposition.

Dr. BREWER said, he could not resist anything the Government determined on, and would, therefore, withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

Bill *considered* in Committee.

(In the Committee.)

Lord ROBERT MONTAGU expressed his willingness to accept the Amendments which had been put upon the table by the Lord Advocate.

Dr. BREWER trusted that they would now report Progress.

Mr. POCHIN said, he was sure that those who knew anything of the matter would feel that neither the Bill nor the Amendments met the difficulties of the case. The provisions of the present Act were grossly disregarded, and if it was to be amended it must be by some more radical Amendments than any he had seen proposed. He moved that the Committee report Progress.

The LORD ADVOCATE said, this Bill was to amend a mistake in the Act of last year. When the Act came down from the House of Lords last year it contained a clause that nothing in it was to interfere with the practice of legally qualified apothecaries. The present Act was to remedy an error which would otherwise be serious.

Mr. NEWDEGATE urged that if the Royal Highland Society received power to grant certificates, the Royal Veterinary Society of Camden Town ought to receive similar powers.

Mr. WHALLEY supported the Motion to report Progress on the ground that the legislation of last year upon this subject had caused the deaths of many persons. The question before the Committee was evidently one of life and death; and if it came to a vote he should be quite at a loss to know whether he would be voting for the life or death of a person.

Mr. M'LAGAN explained that it was only after a most careful and searching examination the Highland Society granted certificates to veterinary surgeons.

Motion *negatived.*

House *resumed.*

Bill *reported;* as amended, to be considered upon *Monday* 10th May, and to be *printed.* [Bill 99.]

IRELAND—CASHEL ELECTION.

MOTION FOR AN ADDRESS.

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) moved that an Address be presented to Her Majesty, praying her to cause an inquiry to be made into the corrupt practices reported by Baron Fitzgerald to have existed at the last election for Cashel.

MR. VANCE said, he hoped the Motion would be postponed, as he would have to object to the names of some of the Commissioners. The three gentlemen chosen were all members of the same political party, and were all Roman Catholics. With regard to the latter point, he might observe it was notorious that three-fourths of the Irish Bar were Protestants, and therefore it was extraordinary that three gentlemen of the opposite religious opinions should have been selected.

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) defended the appointment. The three gentlemen named were of the highest honour and ability. He did not inquire into the religion of the gentlemen he appointed to such offices, and in this case there was no question either of religion or party politics involved in the matter.

Motion *agreed to.*

Resolved, That an humble Address be presented to Her Majesty, as followeth:—

Most Gracious Sovereign,

We, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, beg leave humbly to represent to Your Majesty, that the Honourable Baron Fitzgerald, one of the Barons of the Court of Exchequer in Ireland, and one of the Judges selected for the trial of Election Petitions, pursuant to the Parliamentary Elections Act, 1868, has reported to the House of Commons that, from the evidence at the trial before him of the Petitions relating to the last Election for Cashel, he had reason to believe that the corrupt practice of bribery did extensively prevail at the said Election.

We therefore humbly pray Your Majesty, that Your Majesty will be graciously pleased to cause inquiry to be made pursuant to the Provisions of the Act of Parliament passed in the sixteenth year of the reign of Your Majesty, intituled, "An Act to provide for more effectual inquiry into the existence of Corrupt Practices at Elections for Members to serve in Parliament," by the appointment of George Waters, esquire, one of Her Majesty's counsel, Constantine Molloy, esquire, barrister at law, and William Griffin, esquire, barrister at law, as Commissioners for the purpose of making inquiry into the existence of such corrupt practices.

Address to be communicated to the Lords, and their concurrence desired thereto.—(*Mr. Attorney General for Ireland.*)

SHERIFFS (YORK COUNTY) BILL.

On Motion of Mr. KNATCHBULL-HUGESSEN, Bill for the appointment of two Sheriffs in the county of York, *ordered* to be brought in by Mr. KNATCHBULL-HUGESSEN and Mr. Secretary BRUCE.

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Friday, 30*th April,* 1869.

MINUTES.]—*Sat First in Parliament*—The Earl Ferrers, after the death of his Father.

SELECT COMMITTEE—Representative Peerage of Scotland and Ireland, *nominated.*

PUBLIC BILLS—*Second Reading*—Fine Arts Copyright Consolidation and Amendment (No. 2) (51), and *referred* to Select Committee; Civil Service Pensions* (53); Consolidated Fund (£17,100,000)*.

Committee — Lands Clauses Consolidation Act Amendment* (38-90).

Committee — Report — Park Gate Chapel Marriages* (59).

FINE ARTS COPYRIGHT CONSOLIDATION AND AMENDMENT (No. 2) BILL—(No. 51.)

(*The Lord Westbury.*)

SECOND READING.

Order of the Day for the Second Reading, read.

LORD WESTBURY, in moving that the Bill be now read the second time said, that the operation of the Act of 1862—the latest statute on the subject—had been unsatisfactory. A representation had consequently been made by the Council of the Society of Arts, and a conference of nearly the whole of the artistic world had taken place, as the result of which he (Lord Westbury) introduced his Consolidation Bill last Session—not with the intention of proceeding with it at once, but of eliciting criticism and suggestions. The measure had received general approval, and a Petition in its favour had been intrusted to him for presentation, signed by thirty Royal Academicians, twenty-two Associates, and 120 other artists and persons interested in the subject. The necessity for legislation was due to the confused and defective state of the existing law, to the imperfect protection it afforded to the authors of works of fine art, and to Conventions having been entered into under the International Copyright Act with most of the Continental Powers, engaging to give to the artists of those countries a protection reciprocal and correspondent to that which British artists enjoyed in them. He was sure their Lordships would concur with him in holding that there was no better criterion of the progress of a nation in civilization and intellectual culture than the respect and protection afforded by its laws to works of literature and art—works, which were the noblest possible addition to the wealth of a country, but the production of which was greatly dependent—in modern times at least—on the protection given to men of genius. Such works, moreover, as possessing the essential attributes of property, ought surely to enjoy the protection extended to other species of property—he could indeed imagine nothing which had a more complete title to be considered property than works of imagination, for they were the pure creation of mind. Now, he was sorry to say that, if laws were taken as a proof, these creations of mind were more valued and respected in other countries than in England; for, whereas in this country works of art of a particular class enjoyed protection for twenty-eight years, with a contingent extension of another seven years, that protection extended in France to fifty; in Germany to thirty; in Belgium to twenty, and in Spain to twenty-five years in excess of the author's life: while in Italy it lasted forty years, with a contingent extension of forty years longer. In England literature and art were protected in the most imperfect and grudging manner. No attempt was made in England to give, or rather create, copyright until 1714, nor as regarded works of art until 1735. In 1714, literary copyright for fourteen years was established; this was afterwards extended to twenty-eight years, or for the life of the author, and in 1842, thanks to Mr. Justice Talfourd and a noble Earl now present (Earl Stanhope) to forty-two years or to seven years beyond the author's life, whichever happened to be the longer period. In 1735 the Legislature first turned its attention to protecting works of art, and copyright for fifteen years was given to such works; but the Act—which was commonly known as Hogarth's Act, the passing of it being entirely due to his exertions—was unfortunately so worded as to protect only engravings in which there was an original design—so that an engraving made from another work of art received no protection. This was probably attributable to Hogarth being in the habit of composing as he engraved. This restriction was afterwards removed and the term was extended to twenty-eight years. In sculpture no attempt was made to give protection until 1798; and even now, though sculpture and engraving were commonly supposed to stand on the same footing, the former enjoyed a coyپright for only fourteen years, with a further term of fourteen years contingent on the artist's life, while the latter had an absolute copyright for twenty-eight years. In 1862, protection was given to paintings, engravings, and photographs for the author's life, and a period of seven years afterwards. The difference between English and Continental law was by no means creditable to us, and although the Conventions professed to be based on the principle of reciprocity we only gave a French artist protection for his life and seven years afterwards; whereas France offered the British artist protection for fifty years after his death. The Engraving Acts, moreover, extended only to the United Kingdom—so that piratical copies might be imported with impunity from abroad, or even from the Channel Islands; and the result was that valuable engravings were copied there and brought over to this country, and there was no power to prevent their admission. By the Convention with France Her Majesty engaged that laws should, if possible, be passed, conferring on French artists advantages corresponding to those which France conferred on British artists, and one of the articles promised the seizure and destruction of piratical works—a stipulation which our existing laws did not permit to be carried into effect. The honour of the country required that this state of things should continue no longer. We had nine or ten different statutes on the law of copyright; and these statutes ought to be gathered together, made consistent with each other, and embodied in one consolidated Act. And this had been his object in the preparation of that Bill, which he had now the honour of asking their Lordships to read a second time. Dealing with a subject full of difficulty and which the Common Law did not touch, he did not pretend that his Bill was perfect, and he was quite willing to have it referred to a Select Committee, that it might be thoroughly sifted and its language carefully weighed. After giving the requisite definitions, the Bill proposed that authors of original works of fine art hereafter made or sold should have a copyright for the term of their natural lives, and for thirty years subsequently. This period was not so long as that existing in France, but it was the duration assigned in Germany, and rather longer than the Belgian term. Then there were provisions as to the transfer of copyright, it being laid down that no such contract should authorize the author to make any repetition of the work unless the right shall have been expressly stipulated for at the time of sale. The Bill also allowed an artist to retain his property in unfinished sketches and studies made for and previously to the execution of his registered work, without prejudice to any copyright which may be subsisting therein at the time of the sale; and it provided that sketches, studies, and unfinished works to the value of £15 should not be subject to seizure in the event of the artist's bankruptcy, or of his suffering distraint for debt. The 5th clause confirmed a decision which had been deemed of questionable authority, exempting engravings published as parts of a book, in which there shall be a subsisting copyright, from the provisions of the Engravings Acts. Of engravings published separately, a proof must be deposited at the British Museum. The 6th clause defined how copyright might be assigned, the Schedule containing some short forms of instruments for that purpose; and the 7th clause provided that, in any contract disposing of a copyright, it should be implied that the work was the original design of the author, which implied contract was to run with the copyright. The 8th laid down that no action should be maintainable by the proprietor of a copyright until after registration—the registered proprietor, under any license, being nevertheless able to sue, or be sued, in his own name in any matter arising out of such contract, and the omission to register not affecting the copyright or license, but only the right to sue or proceed. Next came the penalties, which, except one or two additions, were taken from the Act of 1862; and then followed provisions directed against the common fraud of affixing names, initials, or monograms, purporting to be those of persons who did not really execute the work, as also against the disposal of works of art under false representations. There was also a provision against a very ingenious mode of fraud which was sometimes resorted to—that of altering any work of art, and then offering it for sale as an unaltered work of the author. The next provision was directed at the fraudulent practice of publishing an engraving with the stipulation that the number of proof impressions or copies should be limited, and then of printing a much larger number; and the following provisions prohibited the sale of impressions from a plate re-touched, or wrought afresh, as proof impressions or copies of such engraving. The 11th clause prohibited the importation of piratical copies of copyright works, and the 12th extended to works of art the protection already given at the Custom House to works of literature. He could see no reason why a provision, which had been so beneficial in the one case, should not be applied to the other. Inferior artists abroad were systematically employed in making copies of valuable works for the English market, and to check this the 13th clause applied to the importers of these pirated copies the machinery of the Mercantile Marks Act, obliging them to reveal the names of the persons from whom they were obtained. The succeeding clauses empowered justices to grant search warrants for piratical copies, and also empowered the seizure of piratical copies in the possession of hawkers. The necessity of these provisions had been shown by the recent statement of an eminent London publisher that, by the aid of a powerful glass, he saw, from an adjoining building, persons employed in making copies of his most valuable engravings, which were afterwards hawked about at a few shillings per copy. Then there were provisions as to registration and as to legal proceedings instituted under the Act, with the view of giving a cheap and easy remedy. The Bill was by no means one-sided, for it not only gave pratection to artists, but to the public against artists. A practice had prevailed among some artists of selling a picture to a purchaser, and afterwards making a replica four or five times over of the same picture, each succeeding purchaser not being aware that it had been already the subject of sale. This would be checked by the 3rd clause, and various frauds to which the public had been subjected would be repressed, while dealings between artists and purchasers would be facilitated, and proper protection would be given to the authors of original works. He believed the Bill, after consideration by a Select Committee, would succeed in gathering up the loose and uncertain enactments already in existence, and in combining them into one harmonious measure.

Moved, "That the Bill be now read 2ª."—(*The Lord Westbury.*)

EARL STANHOPE said, he was glad that this subject had been taken up by the noble and learned Lord, whose legal eminence and taste for art combined to fit him for the task. An assimilation of the law respecting the fine arts to the law of literary copyright would be a great improvement, and it was gratifying to learn that the Bill had received support and encouragement from the great body of artists. But, although the general principle was readily admitted, the difficulty of dealing with the details was very great, and the propriety of considering these details very carefully in a Select Committee was apparent from the fact that the noble and learned Lord has found it expedient to withdraw the first Bill on the subject which he introduced early in the present Session. He (Earl Stanhope) desired first, to notice the provision in the 3rd clause, that copyright shall be granted, not only to any British subject, but to any foreigner residing at the time in the British dominions. Yet in many of the foreign countries, and above all in the United States, nothing at all of the kind was granted our subjects there residing. He (Earl Stanhope) most readily agreed that we should return the advantages given to British artists on the Continent, but surely it was open to question whether we should offer great advantages to artists living in countries which gave us nothing in return. International copyright was more important in the case of works of art than of books, for differences of language limited the appreciation of literary productions, whereas works of art encountered no such impediment. He thought, then, that in works of art, and still more in the case of books, this privilege should be revived. While he should rejoice at the extension of copyright to foreign artists, he doubted the fairness of such an extension in the absence of reciprocity. Their Lordships would remember that Mr. Motley, who had lately been appointed United States Minister to this country, had derived great advantage from obtaining copyright for his works in England; and he (Earl Stanhope) could not refrain from mentioning the high honour in which that gentleman was held by literary men in England, and their sincere desire that he would display a fairness and justice in diplomatic negotiations equal to his great ability as an historian. He (Earl Stanhope) would suggest that, both as regard literary and fine art copyright, power should be reserved to Her Majesty in Council to grant privileges of copyright to foreign nations which were willing to concede similar privileges in return. With regard to the definitions, he thought some of those in the Bill were open to objection. The noble and learned Lord had defined an author to be "he who has designed or made any original work of design;" but where the merit of an engraving of a celebrated work was very great, and a large sum had been expended on it, it was not fair that it should be re-produced by photographs. There might be no copyright in the original picture; but protection should be given to a valuable engraving of it in the same way as if it were an original design. [Lord WESTBURY said, he thought the Bill as it stood would provide for such a case.] It did not seem to him that this was in any manner, or at any place, provided for in the Bill. The subject was rather intricate, and perhaps he had not sufficiently explained it, but a particular instance would make his meaning clear. Take that magnificent picture of Raphael, the *Madonna di San Sisto*, in the gallery at Dresden. Of that picture one engraving was by M. Müller, an engraving of exquisite skill—the very finest engraving, according to some connoisseurs, ever yet produced. A proof of it could not be purchased at this moment for less than £80 or £90. Now the picture itself was, he presumed, *publici juris.* Anyone was free to take a photograph from it. But if M. Müller were still alive, and had an interest in his engraving, no one ought to be free to take a photograph from that without his permission. On the whole, he (Earl Stanhope) would say that he anticipated great benefit from a comprehensive Act on this subject, which was especially opportune now that the spread of photography threatened a decline in the best class of engravings; and from the noble and learned Lord's readiness to consider any Amendments, he felt confident that the Bill would be brought to a satisfactory issue.

The Earl of KIMBERLEY also thanked his noble and learned Friend for taking up so difficult and complicated a subject, and quite concurred with him in thinking that it was a most judicious course, to refer the Bill, after the second reading, to a Select Committee. He could scarcely take so decided a view of the rights of property in works of fine art as his noble and learned Friend had done—with every desire to uphold that right to the utmost, he thought his noble and learned Friend had placed it too high — for whereas the property of an ordinary article rested in the possessor for the time being, the peculiar privilege of preventing the possessors of works of art from making the use of them which they otherwise might be disposed to do, was not so much an inherent right attaching to property as a special right created for the purpose of encouraging such productions. Within certain limits it was desirable as a matter of public policy that encouragement should be given, not only to works of literature but also to works of fine art, and he also thought that the present law was in such a confused and unsatisfactory state that it required to be consolidated and amended; but the House, while securing to really fine productions their due pecuniary encouragement, should beware of passing indiscriminate enactments, such as would confer rights on undeserving works, seriously interfere with the general enjoyment of the public, and lead to much litigation and embarrassment. The first great difficulty arising in the consideration of this question was the definitions contained in the Bill. Great difficulty always attached to definitions. The noble and learned Lord, for example, had defined sculpture in these terms — "Every original work, either in the round, in relief, or intaglio, made in any material, and by any process." Such a definition would include a variety of designs which would more properly come under the Copyright of Designs Act, which gave a protection of four or five years. The next portion of the Bill demanding serious consideration was the length of period for which the rights of property in those valuable works would be protected. At present the periods vary; for example, in the case of painting and drawing the period was seven years; whereas in that of sculpture it was twenty-eight years. In the case of painting and drawing the Bill proposed to give a protection for the life of the author and thirty years after; but, as by an Act brought in by the noble and learned Lord photographs were put on the same footing as painting and drawing, he thought it was worthy of consideration whether it was desirable to give so long a protection to photographs. There never was a time when better prices were given for works of art in this country; and he doubted whether any considerable extension of the period during which copyright was now enjoyed was essentially necessary. By the Bill copyright was extended to the whole of the dominions of the Queen; and he wished to point out that in respect to a great many of the colonies there really existed no power on the part of this country to enforce such a Bill as the present. The Bill, therefore, would remain a dead letter as far as many of the colonies were concerned. The Bill seemed to be conceived in the interest of engravers to a great extent, rather than in the interest of authors or of the fine arts generally. By a previous Act of Parliament—the Act of 1852—it was provided that whenever no precise stipulation was made between the author and the buyer of a work of art, then the copyright should exist in the work. The present Bill, however, declared that the copyright should exist in the work, whether there were any stipulation or not between the author and the buyer. He thought the existing provision of the law was preferable. He thought that his noble and learned Friend had not given sufficient consideration to some of the details of his Bill—for example, there was a clause authorizing the issue of a search warrant to enter a house suspected of harbouring such works, to search for them, and, if found, to seize them and destroy them. He could not assent to the granting of any such power. It was not for the public interests that these copyrights should be created, and he thought it better to leave the law as it stood. There was one extraordinary clause in the Bill, to the effect that in all cases where any person should sell a work of fine art there should be a distinctly implied contract, on the part of the person selling, that it was an original work. Considering how difficult it was to decide what were and what were not original works, he thought such a clause would operate harshly on sellers. The Bill required careful consideration, and he trusted that the Select Committee would examine the details with the utmost caution.

Motion *agreed to;* Bill read 2^a accordingly and *referred* to a Select Committee.

And, on Monday, May 3, the Lords following were named of the Committee:—

Ld. Privy Seal.
E. Stanhope.
E. Carnarvon.
E. Sommers.
V. Hardinge.
L. Bp. Oxford.
L. Portman.
L. Overstone.
L. Lyveden.
L. Westbury.
L. Houghton.
L. Romilly.

And, on Tuesday, May 4, the Duke of Saint Albans, the Viscount Stratford de Redcliffe, and the Lord De L'Isle and Dudley *added.*

ST. KATHERINE'S HOSPITAL.

QUESTION.

Earl NELSON asked the Lord Chancellor, When the Report of the Royal Commission issued last Session on St. Katherine's Hospital is likely to be made? St. Katherine's Hospital was a distinctly religious foundation. It was originally built near the Tower of London and endowed by Queen Matilda, in 1148; and afterwards received a charter from Queen Eleanor in 1273. It was founded for a master, three brethren, who were to be priests, three sisters, six poor scholars, twenty-four poor men, and ten poor women. In the charter of Queen Eleanor there was this important provision—that if in future times the possessions of the Hospital should be increased, the number of chaplains, poor men, clerks, laymen, and women should be augmented, according to the means of augmentations of the goods of the Hospital. Unfortunately, that provision had been shamefully neglected. Such provision would have met the increasing needs of the place, and as the Charity Commissioners remarked, the duties of the sisters bore a strong resemblance to the duties of mission women employed in the destitute district for which the Hospital was originally founded. Henry VI. confirmed and extended the privileges and immunities of the Hospital; and that monarch's object, no doubt, was to carry on a good work among the seafaring population in the neighbourhood of the Tower. At the time of the Reformation this Hospital was saved from the general destruction of monasteries and other religious institutions, and though not turned to all the advantage it might have been, it, nevertheless, must have done eminent good so long as it remained in the locality where it was founded. That it had been of some benefit to the locality was shewn by the fact that when the first Bill to transfer the Hospital from the East of London, in order to allow of the formation of St. Katherine's Docks on its site was defeated, the feeling of the locality was so strong in favour of the Hospital that there were great rejoicings on the occasion of the defeat of the Bill. In 1825, the Hospital was removed from St. Katherine's Docks to the Regent's Park at a cost of £125,000, and a curse seems to have rested upon it ever since, for although the large sum of £44,709 was expended upon the new buildings, a sum of no less than £32,088 was spent in repairs of the new buildings from 1826 to 1857. In December, 1865, the Charity Commissioners made their Report, which was presented to their Lordships' House in the following year on the Motion of the Bishop of Peterborough. From that Report it appeared that the gross income, which at the time of the Reformation was about £400 a year, amounted in 1865 to £7,097; and it was capable of increase, under good management and by the extinction of leases, to £14,000 per annum. There was also revealed one of the greatest sinecures that were ever exposed. It appeared that the Master was doing nothing on £2,000 a year; each brother ditto on £365 a year and a house; each sister ditto on £240 a year and a house; although there were twenty bedesmen and twenty bedeswomen with £10 a year each; not one of these poor persons was taken, until the Charity Commissioners reported, from the poor district of the East end of London. There were besides chapel services, which were conducted for the benefit of the rich people living in the neighbourhood of the Regent's Park, who paid for pew rents £100 per annum, which went to pay a curate to help in the services. There were also schools for thirty-three boys and eighteen girls, who came from a district which was perfectly capable of supporting its own schools. It was admitted that the Hospital might again be placed in the neighbourhood of the Docks; and one scheme, among many, had been devised, by which churches, almshouses, penitentiaries, and schools might be built in time, as leases fell in, and an income would still be left for the Hospital of more than £8,350 a year. It was asked that this income, in compliance with the original foundation and that special clause in Queen Eleanor's charter to which he had drawn their Lordships attention, might be devoted to the maintenance of fifteen missionary clergy, with a body of sisters, teachers, and lay helpers, while £3,000 a year would be left for the support of the schools and reformatories. It was not to be wondered at that those who were interested in the temporal and spiritual welfare of the seafaring population of the East end, for the benefit of whom this Hospital was originally founded, and who, when any check came upon trade, were peculiarly liable to great distress, should have rejoiced very much when last Session, at the instance of Her Majesty's late Government, a Commission was appointed, with the then Lord Chancellor at its head, for the purpose of seeing what could be done with this foundation. They were anxious that whatever scheme might be adopted it should be one which would at least insure the return of the Hospital to the place where it might do so much good; and that, in accordance with the spirit of the original foundation, it might be such as to enable the poor people of the district to benefit, spiritually and temporally, by the institution. He begged to ask the noble and learned Lord when the Report of the Royal Commission issued last Session on the St. Katharine's Hospital was likely to be made?

The LORD CHANCELLOR said, he had, in the first place, to state that, not being himself a member of the Commission, he had caused inquiry to be made as to the course of its labours and when they might be supposed likely to terminate. The Commission was appointed in March last to inquire into the resources of the establishment, it having appeared from the Report made by the Charity Commissioners in 1865, which would be found in the library, that those resources were very likely to increase. The Commissioners had begun to inform themselves on the subject, and had proceeded so far as to be in a condition to take measures for considering what should be a proper Report to make under the circumstances of the case, when a change occurred in Her Majesty's Government, and it appeared to the Commissioners that it might be desirable, before the final Report, to make application to the Crown in reference to the constitution of the Commission—in other words, whether the Chancellor of the late Government, or of the Government for the time being, should be at its head. The circumstances of the case were somewhat peculiar. The present state of things in connection with the charity was entirely under the direction of Her Majesty, and the Lord Chancellor had only such authority as from time time to time might be given him to visit the charity. The Report, however, would be made before long. He would not say a single word as to the Report the Commissioners should make. He would leave that entirely to themselves.

THE MAYOR OF CORK—ASSASSINATIONS IN IRELAND.—QUESTIONS.

Viscount LIFFORD, who had given notice to ask the Colonial Secretary, Whether the attention of Her Majesty's Government has been called to a speech reported to have been made by the Mayor of Cork at a banquet given to the Fenian convicts lately released from imprisonment; and what steps the Government mean to take in consequence? rose and said: My Lords, some of your Lordships may remember that two years ago I presented a Petition to this House in favour of the remission of the capital part of the sentence of the Fenian prisoners; and more than one of your Lordships are aware of the deep interest I took in the subject. I have, therefore, not been one of those who have found fault with the Government for remitting the sentences on these prisoners. Further than this, I may say that, at the time the Prince of Wales was in Ireland, I was in hopes that, as the Fenian conspiracy had entirely blown up, and it had been shown how futile were the efforts of those connected with it against the power of England, the sentence on these prisoners would have been remitted. I mention this on the present occasion only to show that in the Question I am now going to put I am actuated by no party spirit or by any animosity against the unfortunate men now in confinement. But I must now say that, in my opinion, and in that of others who know well the circumstances of the country, Her Majesty's clemency in respect of the Fenian prisoners was entirely misplaced. Since these men have been set at liberty they have, almost without cessation, done their utmost to disquiet the country which they have already so much injured. They have done all they could to drive away capital from Ireland and to drive away the thousands who are annually forced to leave Ireland from the want of employment there. I will say nothing further of them; but will it be believed that a person holding Her Majesty's Commission of the Peace—the Mayor of the second city in Ireland—a person who has taken the oath of allegiance to Her Majesty—has actually presided at a dinner where these misguided men have been entertained, and has uttered the words of which your Lordships have no doubt heard? I will not trouble your Lordships with the rubbish, the bombast, and the disloyalty spoken by these Fenians at the dinner. I will confine myself to what is reported to have been said by the Mayor of Cork—and I will quote, not from any Conservative paper, but from a paper of his own side in politics—

> "The Mayor continued to say the company must be indebted to Mr. M'Auliffe for the brilliant address he had favoured them with, and in which he had graphically described the driving of the Moors from Grenada by the Spaniards, as the Irish would drive the English out of this country to-morrow if they were strong enough. (*Loud cheers*)."

Who are the Irish and who are the English? I have never yet been able to discover this; and, remembering that one-half the British army is composed of Irish Roman Catholics, I want to know which portion is to be driven out by the other. I will now read the Mayor of Cork's notion of the crime of murder—

> "He believed that a spirit of concession had been aroused on the part of the dominant race. He did not say it was owing to Fenianism or to the barrel placed under the prison at Clerkenwell, but he believed he paid a solemn act of justice to his own countrymen—as solemn an act of justice as if he were a high priest—when he said those noble men—Allan, Barrett, Larkin, and O'Brien, who sacrificed their lives for their country, ought to be remembered and respected as good Catholics and good patriots. (*Cheers.*) There was at this moment in the country a young Prince of the English nation. (VOICE: He be d——d)."

At least there was one gentleman present, for I am thankful to say that a voice cried out—"No, he is welcome." However, the Mayor, taking no notice of the welcome, continued to say—

> "When that noble Irishman, O'Farrell, fired at the Prince in Australia, he was imbued with as noble and patriotic feelings as Larkin, Allen, and O'Brien were. (*Great cheering, and cries of* 'He was.') He believed that O'Farrell would be as highly thought of as any of the men who had sacrificed their lives for Ireland. (*Loud shouts of* 'Bravo!') They all saw how a noble Pole had fired at the Emperor of Russia because he thought that the Emperor was trampling upon the liberties of the people. (*Cheers.*) Well, O'Farrell, probably, was actuated by the same noble impulses when he fired at the Prince. O'Farrell was as noble an Irishman as the Pole, and as true to his country, for each was impelled by the same sentiments to do what they did. (*Cheers.*)"

This was said by a gentleman holding Her Majesty's Commission of an unoffending Prince who was doing his duty in obedience to Her Majesty's orders in visiting various parts of Her Majesty's dominions. I need not remind your Lordships of the horror and disgust with which all the civilized world received the accounts of that crime. I will now leave the disloyalty of this man to be dealt with by Her Majesty's Ministers, the more fitting protectors of Her Majesty's honour, and I will confine myself entirely to the social condition of Ireland in consequence of such sentiments as these being diffused. That condition is deplorable. Assassination is rife; the murderers walk off undetected; and I distinctly say that this arises from the tampering with the laws of property, from the undue expectations continually held out to the Irish people, and from the too great delicacy shown in repressing crime. These assassinations are the result of an organized conspiracy of which the seat, I believe, is not in Ireland, but in England. And so completely organized is it that since I entered the House I have heard a most extraordinary story. I have heard that a message was sent to the family of Captain Tarleton, the man last murdered, from the Ribbon Lodge, which had ordered his death, saying that they extremely regretted it, for he was the wrong man. I cannot sit down without saying that, though I fully believe that the Irish Church Bill was introduced by the present Government with pure motives as a message of peace to Ireland, it has had a totally contrary effect. That measure has been regarded by the Catholics as a triumph over the Protestants; and trusting to the precedent, and believing that that Bill had sprung from the dread of Fenianism, I believe that there are not wanting in Ireland numbers of men who conceive that agrarian outrages will lead to the passing of an agrarian law. My Lords, I believe that only one course will give peace to Ireland. The British Government should put its foot down on the line of order and of law, and should announce—"Thus far will we go and no further." If the Government declare that they will enforce the law, and will in no way infringe the rights of property, and if that is felt to be the common understanding of both parties in Parliament, I have not a doubt that Ireland would be pacified. I beg now to ask the Colonial Secretary, whether the attention of Her Majesty's Government has been called to a speech reported to have been made by the Mayor of Cork at a banquet given to the Fenian convicts lately released from imprisonment; and what steps the Government mean to take in consequence?

Earl GRANVILLE: I have always remarked—and the House has no doubt also remarked—the moderation, good taste, and fairness with which the noble Viscount always addresses the House, and I must add that, even if he had in the slightest degree departed from that habit this evening, I should not have been much surprised. On the contrary, I think he has spoken to-night with even more than his usual moderation. No one is more inclined than I am to think lightly of what may be said in the case of public meetings, dinners, and suppers—I understand that this meeting was in fact a supper not numerously attended—and I think it is unwise to pay much attention to even the most foolish and harmful observations which may then be made. ["Oh! oh!"] I had hoped I might be allowed to finish my sentence. I entirely agree with the noble Viscount in the supreme contempt with which he treats the miserable rubbish which these two convicts are said to have made use of. When, however, you come to the speech of a person who has been elected by his fellow-citizens to the highest office in the second city of Ireland — an office also which confers upon him the post of a magistrate, and whose duty it is to administer justice—the case is widely different. A Mayor, I should remind the noble Viscount, is not in Her Majesty's Commission of the Peace, but is a magistrate by virtue of his office. And when I add that, as a magistrate, he is not only called upon to administer justice in his own court, but under the charter granted to the city he has peculiar privileges which give him the right to sit by the side of Her Majesty's Judges when solemnly administering the law, the case, I think, wears a very different aspect. I am not able officially to state whether the language attributed to the Mayor of Cork has been correctly reported or not—I have heard since I came into the House that the evening papers state that he denies having used that language. It is, at all events, quite clear that it is the duty of the Government—a duty which they have performed—to take immediate steps to ascertain the substantial accuracy of the report which attributes to the Mayor the use of the words which the noble Viscount has read, and, if possible, to substantiate the fact of their having been used. If it should turn out that the report is accurate, and that the use of such language can be substantiated, the Government feel that the case is one which it will be impossible for them to pass over without taking further steps in the matter.

The Marquess of CLANRICARDE reminded the House that, although the Mayor of Cork was not now a magistrate, he had formerly held Her Majesty's Commission of the Peace, and had been removed from that office: he was now a magistrate *ex officio* as Mayor. In ordinary circumstances it was quite possible that their Lordships might not be much inclined to take notice of what might be said or done at a supper, at a late hour of the evening, when his countrymen were apt to fall into a certain confusion of mind, and use language which they would not utter in more sober moments. But he must observe that the present was not the only instance in which the Mayor of Cork had offended. He had on more than one previous occasion, according to reports the accuracy of which had never been denied, attributed disturbances which had occurred in his neighbourhood not to any ill-feeling on the part of the people, but to the stipendiary magistrates and the police. He was not a person who ought to be permitted to retract or apologize for the words now complained of. It was, he maintained, under all the circumstances of the case, the duty of the Government to bring the full vigour of the law to bear upon such a person, if they could get the necessary evidence to prove that he had given utterance to the treasonable words which he was reported to have used. The noble Earl (Earl Granville) contended that such language ought to be treated with contempt; and no doubt these after-dinner speeches would in themselves deserve to be so treated were it not for the lamentable effect which they produced in the country, which gave them an importance which they did not intrinsically possess. He did not know what course the Government could take with respect to the removal from office of the Mayor of Cork, and preventing him from exercising judicial functions; but he believed that those functions were not now performed under any charter, but under the general statute law of the land. Previous to the passing of the Municipal Reform Act for Ireland the Lord Lieutenant had, if he was not mistaken, notwithstanding the charters of the towns in Ireland, a power of vetoing the appointment of a Mayor; and it was a remarkable fact that one of the most popular Lord Lieutenants of Ireland, the late Marquess of Normanby, had exercised that power in 1835, by refusing to allow the gentleman then elected by the citizens of Cork to the mayoralty to enter upon the discharge of its functions, because he had been an Orangeman and had taken the Orange oath. By the Municipal Reform Act that power was taken away; but he might observe that, when the Act was passing through the House of Commons, Mr. Attorney General Wolfe distinctly stated that a Mayor would be liable to be brought for any offence, such as that under discussion, before the Court of Queen's Bench. He (the Marquess of Clanricarde) did not know whether the Court of Queen's Bench did really possess that power; but if it did, and the Lord Lieutenant had not the power of removing the Mayor of Cork, he trusted that person's conduct would be brought under the cognizance of that court, which he thought could scarcely have any hesitation or delicacy in removing from the position which he occupied a person who had filled it so unworthily, whether he retracted or not the language which he was reported to have used a few nights ago.

STATE OF IRELAND—QUESTION.

The Marquess of BATH rose to put the Question of which he had given notice, Whether, having regard to the facts that within the last few months numerous open-air assassinations (independent of other agrarian outrages) have been perpetrated with absolute impunity in Ireland, it is the intention of the Government to adopt any immediate measures, repressive or remedial, for the protection of human life in that country? The noble Marquess said, that the subject to which his Question referred involved not the present Government in particular, but, to a certain extent, all recent Governments. Independently of those open murders of which every day brought accounts from Ireland, and to which his noble Friend near him had called their Lordships' attention, every day brought fresh rumours of discontent and dissatisfaction, which were breaking out in new districts of the country—a general sense of depression pervaded the minds of well-affected people in that country, and a want of confidence either in the power or the will of the Government to protect their lives and property. At the same time the wildest expectations existed among a certain class of the population with respect to the land question. They believed that the land of the country was to be handed over to them; that it was the wish and intention of the Government to do so, and that it only required a gentle pressure to be put on the Government to have their views carried into effect. These hopes and wishes, he feared, had been induced by an exaggeration of certain expressions, not very wise in themselves, and not always very wisely uttered, used by certain Members of the Government during the heat of the late elections. These words were twisted to a meaning at variance with their plain expression, and still more at variance with the intentions of the speakers. The people pointed to the Irish Church Bill as the first instalment of their unreasonable demands and as an earnest of the complete satisfaction of their wishes. The relations between class and class were still further disturbed, and the hopes of the people were still further raised by the various Land Bills that had been brought in by successive Administrations, which appeared to be framed more as a relief from husting pledges than from any wish to consult the interests of the country, or to create a proper relation between landlord and tenant. Much of the present state of things in Ireland was also, he could not but think, due to the unwise liberation of the Fenian convicts, who had been already too leniently dealt with by the previous Administration. For the existing state of things he did not say that the Government were wholly, though they might be partially, responsible; but they would, he maintained, be personally and entirely responsible for every act of murder or violence henceforward committed in Ireland, if they did not immediately put in force the full powers which they possessed for the purpose of repressing crime and securing life and property in that country; or, if they found that the powers which they now possessed were not sufficient for that purpose, if they did not immediately to come to Parliament and ask for further powers. Above all, they would be responsible if they did not at once declare their policy on the land question, so as to frustrate the machinations of the agitators, and show the people that the Government had no sympathy with their wild dreams. The Government would only have to call upon the well-disposed portion of the people, and give them authority to act, and the result would not be doubtful. That result, however, could not be attained without contests, in which many lives might be lost; and if the Government, by neglecting to take energetic and immediate measures, allowed that conflict to occur, the responsibility would attach personally to the members of the Government. He viewed with alarm the fact that no real effort had yet been made by the Government to put down these murders in Ireland. He was not now alluding, however, to the truly Irish method of sending a few dozen policemen to the locality, and quartering them on the persons who were the principal sufferers from these outrages. He wanted to see strong measures adopted for the protection of life and property. The noble Viscount opposite (Viscount Lismore) had given notice of his intention to ask the Government on Monday last a Question similar to that which he himself was about to put, but at the request of the Government the noble Viscount had postponed his Question. Since then, however, fresh outrages had been committed and fresh words of treason spoken. Now, he should be sorry to ask any question which would impede the free action of the Executive. He would not ask, for instance, what opinions had been asked of and given by the Law Officers of the Crown, nor would he inquire as to what steps the Government had taken in particular cases: but he did ask—and he thought the country had a right to know—whether the Government were prepared to use the powers the law gave them for the repression of crime? And if these were not sufficient, whether they would come to Parliament for further powers—and, above all, whether they would declare their policy with regard to the land question, and thus put an end to the agitation which was the cause of all these evils?

Earl GRANVILLE: To the Questions put by my noble Friend I shall answer shortly, and am afraid, as to some particulars, in a manner not satisfactory to him. The noble Marquess has referred to these outrages as being the state of things throughout Ireland. Now we have heard Irish Members on both sides of this House protest against such a description being generally applicable to Ireland, however true it might be—and it is lamentably true—in regard to certain districts. The noble Marquess said that the expressions reported to have been used on the hustings by some Members of the present Administration were one cause of the dissatisfaction now existing in Ireland; and both my noble Friend and the noble Viscount opposite referred to the question of the Irish Church as being one other of the causes of that dissatisfaction. Now, I venture to suggest, as at least one other possible cause—and I do so, not in the least by way of reproach, but merely in order that the matter may be considered, not only by your Lordships, but by other influential persons out of this House—I am not going to argue whether the Irish Church measure is a desirable one or the reverse, whether it is a good measure in itself or a bad one—but we all know this fact, that the last House of Commons, by a majority of above 60, and the present House of Commons, by a majority of above 100, have declared their decided opinion that the Irish Church shall be disendowed. Now I imagine that not only sanguine tenants, but calm men like your Lordships, must feel that it is, at all events, extremely probable that at no distant period some portion of the disendowment of that Church is sure to occur, whether it be recommended by Her Majesty's present Government or by a subsequent one. Well, if that is the fact, is it wise, my Lords, and is it desirable to hear it argued, as is done every day, contrary to the general sense of mankind, that the right of the Church to its endowments stands exactly on the same basis as the rights of your Lordships to the property which you enjoy? Is it possible to doubt—I entirely put aside the question whether we have a right to meddle with the Irish Church or not—can it be possible to doubt that there are persons who entertain visionary ideas as to what legislative measures should be passed with regard to tenant-right—though I beg to assure the noble Marquess he is perfectly mistaken if he supposes that we have any sympathy with them—and is it possible to doubt that such persons may put the two things together, and to say to themselves—"If both kinds of property are equal, and if one kind is certain to be given up, may we not agree that the other kind of property may be given up also?" I own I think that the bearing of all these political questions on agrarian outrages and murders is exaggerated. If it be true that the miserable men who commit these murders do so because they were led to expect that legislative measures would give them that which they desire to have, the fact appears to be rather a reason for postponing a murder than for committing it; and, as far as these misguided persons were concerned, I believe if you pass a reasonable measure, it will be likely to irritate them and to act as an incentive to these outrages, unless you accompany that measure with some others which will show that these crimes cannot be committed with the present impunity. It is clear that, to a great extent, the difficulty is not in the law. The chief difficulty, into the causes of which I will not now enter, but which has been the misery and bane of Ireland, is that there is a certain class of crimes in regard to which there exists a sort of brotherhood of feeling, so that to obtain evidence is one of the most difficult things in the world. The noble Marquess (the Marquess of Bath) said he should hold us personally responsible for any murder committed if we did not take certain steps which, in his opinion, we ought to take. I had occasion, the other night, to remark on this kind of strong language, which I am willing to pass over—only as I have a great many personal friends in the House I hope they will not all claim the privilege to use language which they will perceive, on reflection, to be objectionable. The noble Marquess wants to know what measures the Government are taking or are about to take? I can only repeat what I told the noble Viscount the other night, that we shall exercise as promptly and as energetically as possible all the powers that the law gives us for the repression of crime. If the noble Marquess wants to know all the details of these measures, I must throw myself on your Lordships' feeling and reason as to whether it would be wise or judicious for me to specify them. I think, however, that as the noble Marquess has such strong opinions on the subject he might have given us some slight hint of one measure which he may think would be available. All I can say now—and I do not think your Lordships will expect me to say more—is that we are determined to put into practice all the provisions of the present law, and that her Majesty's Government have been and are in earnest communication with the Government in Ireland, in order to ascertain whether it be expedient or not to take any further legislation for the purpose of putting down outrages of so terrible and lamentable a character as those which have lately occurred.

LORD CAIRNS: The two subjects which have been brought before your

Lordships this evening differ from each other, although they are closely connected. With regard to the first of these subjects, although both of them are painful, the feeling which I am sure pervades your Lordships' minds is much stronger than a feeling of mere pain. The noble Earl opposite (Earl Granville) has said, in reference to the position of the Mayor of Cork, that his name is not now in Her Majesty's Commission of the Peace —from that Commission I am told it was not long ago removed—but still he fills a position of very great importance, being the first civic magistrate in the second city in Ireland. The noble Earl has stated that Her Majesty's Government is now considering what steps ought to be taken by them, supposing the language attributed to the Mayor of Cork is found to have been correctly reported. The noble Marquess who spoke just now expressed some doubt as to the proceedings which could be taken. I entertain no doubt upon that point. If Her Majesty's Government are in possession of the proper evidence, the course, and the only course, open to then, is for the Attorney General for Ireland to file an *ex officio* information in the Court of Queen's Bench. And my Lords, I am sure I speak the sentiments of every one of your Lordships, when I say that the words attributed to the Mayor of Cork, on their being first read by your Lordships in the ordinary channels of information, must have produced in your minds a feeling of absolute horror and disgust. My Lords, for anyone in any position in England or Ireland to have used the words which the Mayor of Cork is reported to have used would have been bad enough; but that the first magistrate of a great town, on whom devolves in a special degree the care of the peace and well-being of that town, should have used such expressions is a circumstance which every Englishman, and, above all, everyone who is connected with Ireland, will blush to think of, because such words indicate nothing short of gross disloyalty and savage barbarism. My Lords, I will only add that I trust, in considering the course which they may think it right to pursue, Her Majesty's Government, at all events, will not forget two considerations. The one is that, if the reports which we have read, and which have never been contradicted, are correct, this is by no means the first—although it may be the worst—specimen of the conduct of this officer in the course of his mayoralty at Cork. The other is this — I hope we shall have no nice criticisms of the state of mind or confusion of intellect that may have existed at the time particular words were uttered; and I hope the Government will, above all things, consider how far the chief magistrate of a city like Cork was justified in presiding at all at a public banquet the avowed and notorious object of which was to do honour to those principles for the maintenance and assertion of which the liberated convicts had, in the first instance, been punished. My Lords, I pass from that to the other and cognate subject; and, in the first place, I must advert to some observations made by the noble Earl (Earl Granville). The noble Earl said that Members of your Lordships' House acted unadvisedly in endeavouring to connect the question of legislation on the subject of the Irish Church with the question of legislation on the subject of land. But I think the noble Earl altogether misapprehended the character of the remark which fell from my noble Friend who spoke last but one in this debate (the Marquess of Bath). I understood the object of that remark to be this—You are proposing to legislate with regard to the Irish Church, and people in Ireland, by the expressions which they use, show that in their minds, at all events, these two subjects are connected, and that the character of the legislation which is proposed with respect to the one is expected by them to be followed with respect to the other. I do not for a moment suppose that Her Majesty's Government believe that the question of Church property is the same as the question of private property in land. I do not now stop to consider whether they are right or wrong in the distinction they make between the two; but I know that they do make the distinction, and I know that it is upon that footing they deem themselves justified in the way they propose to deal with Church property. But the purport of the observation of my noble Friend was this—If that be the ground on which you proceed; if you are in your own minds fully persuaded that you have a right to deal with Church property, but have not a right to deal on the same principles with property in land, let that be known—let that be made clear to the people of Ireland; and the way to make it clear is to accompany your legislation on the subject of the Church with a distinct declaration of that which you are prepared to propose on the subject of the land. I own that the noble Earl (Earl Granville) made a confession which was to my mind extremely painful. He said that if your Lordships were, in this Session, to pass a reasonable measure on the subject of land, you would by doing so lead to greater disturbance, to more agrarian outrage in Ireland, than if you left the subject altogether alone. My Lords, what does that mean? Does it mean that nothing will put a stop to agrarian outrage but an unreasonable measure on the subject of land? My Lords, these expressions will be interpreted in that way by the people of Ireland. With regard to those unhappy occurrences which are, I fear, happening almost daily—I am glad to think not in all parts, but in some parts of Ireland—I will venture, with your Lordships' permission, to read you an extract from a letter addressed to a Member of this House by a most intelligent man in Ireland. I do not mention the name of the writer, or that of the person to whom it was addressed, nor the part of the country to which it relates, for obvious reasons; but those particulars are at the disposal of any of your Lordships who may desire them. The letter was to the effect that nothing could be worse than the state of many parts of Ireland at present. In that county from which the letter was written especially, almost all business in land was suspended; no one dared to demand possession even for non-payment of rent, or if they did it was answered by a threatening notice. A farmer, who had recently taken some vacated land, was put on his knees by two men with pistols and sworn to surrender it again: that was told him yesterday; and many outrages were not told, and did not get into the papers, because people were afraid to tell them. My Lords, that is a sad and melancholy picture to draw of a country, and to find drawn by a courageous, an experienced, and an able man who is the writer of that letter. The noble Earl (Earl Granville) says that Her Majesty's Government are availing themselves of all the provisions which the law puts in their power for the purpose of checking this unfortunate state of things. My Lords, I am fully persuaded that that is so; but I think that what your Lordships would desire to know is this—Is it the opinion of Her Majesty's Government that the present state of the law confers on them, or does not confer on them, adequate powers for checking the state of things which prevails in Ireland? My Lords, if they do, then we may hope that, acting vigorously on the powers they possess, we may see a stop put to the outrages that are daily occurring. But if they do not, I think your Lordships will expect, and the public will expect, that Her Majesty's Government will come down to Parliament and apply to Parliament for further powers to arrest these calamities. My Lords, I impress this on them the more because, if I am rightly informed, it was elsewhere stated on the part of the Government that they were, to a greater extent than was ever done before, availing themselves of the powers of the Peace Preservation Act with reference to the quartering of an extraordinary number of police on the disturbed parts of Ireland. Now, my Lords, in addition to that being a measure which alone has not proved successful in checking these outrages, I must enter my protest against its being deemed either a sufficient, or even a fair, way of dealing with these disturbed parts of the country. What does this mean? A gentleman, whose name has been mentioned to-night, is assassinated in open day in a particular county of Ireland. He is the occupier of a farm in the place where he was killed. The assassination is viewed with despair by his family, with horror by all the surrounding occupiers of land. And what is the cure that is proposed? A body of police is sent down from Dublin to be quartered there, to be paid for by the family of the man who was murdered, and by the surrounding occupiers of land, who are in daily terror of their lives; and those who are the guilty persons, or those who connive at or harbour the guilty persons, go perfectly free, and no punishment—even in the shape of a payment—is inflicted on them. But the case is even worse than that; because the source from which the payment is made is the county cess, and if the burden should possibly go beyond the occupiers, it falls on the owners of the land, whose security for the receipt of their rent is made less through the heavier county cess occasioned by this proceeding. I hope, then, that Her Majesty's Government will not think that the sending of additional police to the disturbed districts is alone the remedy to be applied, and that they will, without any kind of delay—for these are things which ought not to continue a day if they can be prevented—if they are not satisfied with the powers they possess, apply to Parliament to increase them.

EARL GREY said, that having had the honour to be a Member of the Administration by which the Peace Preservation Act was passed, authorizing the sending down of extra police to the disturbed districts at the expense of those districts, he wished to point out to the noble and learned Lord (Lord Cairns) that that measure was not so entirely without reason or authority as he seemed to suppose, nor, he would also add, had it been wholly unsuccessful. He remembered the discussion which the general state of Ireland led to in the Government at the time; and one of the points which they considered was, whether they could not resort to something like the principle followed at an early period of our history, and make the district liable for the offences committed in it. In the days of King Alfred the Great the hundred was held responsible for every murder committed in it; and that principle of Anglo-Saxon legislation proved the means of establishing quiet in England, and was an influential agent in civilizing the country. It appeared to the Administration, in 1847, that it was not unreasonable to believe that a similar remedy might be applied with advantage to Ireland. And there was this additional reason for so applying it to that country. Those outrages were committed with the connivance of the population; every man knew that if the people inhabiting the district chose to give information the police in twenty-four hours would have been able to put their hands on the criminals. But it was because the people of the district were really conniving at those offences, and assisted the offenders to escape, that those atrocious crimes went unpunished. The consequence was that the Peace Preservation Act was passed, providing that additional police might be sent to the district where such offences had occurred, and that the expense should be defrayed from the rates, not levied in the ordinary manner, and falling on the owners of the land, but falling on the occupiers—the very class whose connivance gave impunity to the murderers. He did not deny that, in particular cases, when a murder occurred that was not owing to agrarian disputes, but to other motives, the measure might cause some hardship to individuals; but those were cases which might be met by the discretion left to the Government. If the Government were convinced that the inhabitants of the district were doing their best to bring the offenders to justice, he thought they acted improperly in applying the Peace Preservation Act to that district. The discussion suggested many observations which he should like to make, but having had more than one opportunity of speaking on this question, he thought he should be abusing their Lordships' patience if he said more on this occasion.

THE EARL OF KIMBERLEY: My Lords, my noble Friend (Earl Grey) has explained so clearly the grounds upon which the Peace Preservation Act was introduced and passed into law, that I should not have thought it necessary to rise were it not to protest against the attacks that have been made upon the Government in this debate. First, the noble Marquess (the Marquess of Bath) calls us to task for not putting in force with sufficient vigour the law as it stands; and then, on the other hand, the noble and learned Lord opposite (Lord Cairns) says that the law is a bad one, and that it ought not to be put in force. As between the two noble Lords, that is a perfectly untenable position; but I would accept the advice which has been given to the Government to put the law in force rather than act upon the opinion of the noble and learned Lord and part with the instrument which is almost the only one that has been found effectual for the preservation of peace in Ireland. The principle on which that Act is based has been explained by my noble Friend. As your Lordships know, Ireland is distinguished by this most unfortunate peculiarity—that the sympathies of the people are with the violators and not with the upholders of the law. That undoubted fact is at the root of the difficulties which the Government have to encounter in enforcing the law; and when the noble

Marquis calls on us to take measures to discover and repress these abominable atrocities, I ask him to remember what are the difficulties of the Government in dealing with this question. Such is the feeling in Ireland that the police can get no information even as to murders committed in the open day. Men have been murdered in the high road while labourers have been peaceably ploughing in the fields close by—the murderer has been seen escaping by more than one person—and yet no information could be got from them which would lead to the detection of the murderer. More than this—the utmost facilities are given to the murderer to escape, and criminals have for weeks and even months gone from house to house among the peasantry, obtaining shelter until they could make their escape to the United States. When such a state of things exists I think it is perfectly just to apply a punishment which only in a sense falls upon the innocent. We must in such a case regard the district as a whole; and, if the population does not give that assistance in enforcing the law which they ought to give, I think the Government are justified in imposing a fine upon them. At this juncture I trust that the Lord Lieutenant will not hesitate to enforce in the strongest manner the provisions of the law; and though, in so doing, no immediate effect may be produced upon this epidemic of murder, yet some amendment may be produced in those parts of the country where the law is applied. The Government has been asked to adopt stronger measures. But you must discover what those "stronger measures" are; they must be such as can be practically carried out; and it is exceedingly difficult to devise measures which will meet this peculiar evil. One word as to the remarks of my noble Friend near me (Earl Granville) upon the land question. In his answer to accusations made against the Government for not declaring our policy and bringing forward a measure, I think my noble Friend was misunderstood. His meaning was, that no mere explanation of policy, however acceptable it might be to Parliament, could apply an immediate remedy to the evils under which Ireland is suffering. You cannot do more than lay the foundation of a better state of things. These agrarian crimes are the outbreak of a hidden or open discontent which has existed for many generations. Now, any remedies you can apply, with a view to produce a better state of feeling, can have but a gradual effect. It is impossible that an evil which has existed so long—an evil found unconquerable by successive Governments—can be at once put an end to by measures which any Government, no matter what, or any Parliament can pass. We can only hope for future improvement as the result of such legislation. And I think that, even did the state of Public Business not forbid any attempt at legislation this year, it would be undesirable and unwise that Parliament should legislate in time of panic, expecting by any measure on the land question to stop these abominable murders in Tipperary and Westmeath. I say it is perfectly Utopian to expect that by any measure whatever you can stop these agrarian outrages, the result of an organization which extends, as we are told, even to England. An attempt has been made to fix Her Majesty's Government with personal responsibility for these crimes. Such an attempt can only come from those who weigh their own words very little. I can say for myself that they have very little effect upon me. The present Government are neither more nor less responsible than any other Government which has had to deal with the state of things which has so long existed in Ireland, and which has puzzled the wisest heads in this country generation after generation.

THE EARL OF HARROWBY said, he thought the noble Earl (the Earl of Kimberley) had not understood the argument with which he had tried to deal. Nobody was fool enough to suppose that if a measure were now introduced by the Government with reference to the land it could have the immediate effect of putting an end to ancient disputes and long existing evils—that was impossible; but such a measure might still have the effect of repressing the present outbreak of agrarian crime in Ireland. For some years past the relations between landlord and tenant had been improving in that country, and security to the tenant had been increasing. The present outbreak was not, therefore, due to the old law. What, then, was the immediate cause of it? The fact was that in a country like Ireland you could not shake the stability of any one class of property without unsettling the basis of all property. You could not with impunity in the midst of an excited population propose to transfer property from one hand to another. In the words of Sir George Grey, you could not do that without something like a revolution. Further than this—there were many in Ireland who attributed the proposals of the Government respecting the Irish Church to the result of the Fenian outbreak—they attributed it to the effect of panic; and he himself had little doubt that if there had not been that alarm about Fenianism this measure would never have been proposed. It was said by many in Ireland "This alarm has induced the Government to bring forward the Irish Church Bill. Let us try a little more agitation with regard to the land, and the same result will follow." This was the language held by Ribbonmen. He did not say they were justified in using such language, but it was very natural that they should say this; and there was no doubt that the recent extraordinary outbreak of agrarian crimes, which did not arise from old existing grievances, was, to a certain extent, explained by this belief among a section of the Irish people. It was desirable, therefore, that the Government, while unsettling the public mind upon the question of the Irish Church, should show that upon the land question they were at all events, firm, and should declare that their principles with regard to the rights of property were fixed. No one expected that any legislation with regard to land would at once remove long-seated evils; but the present outbreak was due to temporary causes, which he believed that Her Majesty's Government, by a bold, determined declaration of policy respecting the land, might do much to terminate.

The Marquess of CLANRICARDE said, that the Irish lower orders were engaged not so much in a Fenian agitation as a political agitation, because they believed that, by agitation, they could squeeze out of the Government measures however unsound and however much at variance with the principles on which the sanctity of property depended. The doctrine of the rights of property was being interpreted in a manner to which, in this country at least, they were little accustomed. The landlords were advised to give up a little of their property in order to preserve the rest. He (the Marquess of Clanricarde) had never been able to discover the exact meaning of the recommendation or the limits within which it was to be applied. It probably referred to the proposed institution of a peasant proprietary—an institution which could only be brought about by the transfer of the greater part of the land in Ireland from the owner to the tenant. It was said the other night that the murders which were being perpetrated daily, and the spirit of insubordination to law which prevailed were of a local character. It might be that the murders were confined to a particular locality; but the spirit of insubordination displayed itself in different parts of the country widely apart. No one could doubt that a spirit of insubordination and lawlessness was abroad in Ireland, which required to be repressed by a vigorous hand. The topic he was about to enter upon might be thought a delicate one, but he must say this was not a mere local question—it was an Imperial question; for foreign countries regarded these matters, which were, therefore, likely to have a serious effect on the position of this country among the nations of the world, especially in respect to international negotiations. He did not think it was the case that the outrages were confined to a small locality—outrages of one sort or another were now being reported from districts far removed from each other. One of the last was the boarding of a vessel in a dock in the port of Cork, and robbing it of arms. That was in the extreme South. In the centre of Ireland—in Tipperary no less than six murders had been perpetrated since last August; and in Westmeath a murder was reported in the course of yesterday; and by information which he had received he was given to understand that the state of things in Meath was anything but satisfactory. This morning they had an account of tumult and riot in the city of Londonderry, under the eyes of a Royal Prince, in the course of which two men were shot dead and others were wounded. All this showed that throughout Ireland there was a want of vigilance and efficiency on the part of the police. Individually, and for the purposes to which they were put, the police were admirable; but what was daily occurring constituted an irrefragable proof that they were not sufficient or properly organized to maintain the authority of the law. If the state of the city of Londonderry had been known to the police, they ought not to have allowed a Royal Prince to go there without taking due precautions for the preservation of the peace. With regard to quartering police on the disturbed districts, he believed that was a proceeding very much dreaded by the people of the localities. These outrages were openly discussed beforehand, and if the people knew that a police force were likely to be saddled on them many a meditated outrage would not be carried into execution. It was highly important that the Government should be in better communication than they were at present with men of property and influence in Ireland. The Government had, no doubt, a considerable majority of Irish Members in the House of Commons, but he saw no signs that they had in any part of Ireland any real influence. He could not find that any Lord Lieutenant of a county or any Board of magistrates in Ireland or any individual magistrates, who were able to give useful information and advice, had been consulted by the Government, or that they were on such terms of communication as were fit with the Government. On the contrary, it was within his own knowledge that the stipendary magistrates and the police concealed from the local magistrates much of the information they possessed. He admitted that some discretion on this point must be allowed to the police, but he maintained that the latter were too reticent.

The Earl of CARNARVON said, he only wished to say a word on one or two points. First of all, he wished to point out that he was afraid there could be no doubt that these agrarian outrages were gradually speading. The noble Earl opposite said they were confined to some particular localities. He (the Earl of Carnarvon) was afraid the evidence he received every day showed that they were enlarging the field of their operation; and, further, he feared they were increasing not only in number but in intensity. If they cast back their eyes a few years, they could not fail to be struck with the difference between what O'Connell very happily called the "driftless" character of former outrages, and the deliberate system under which they now appeared to be perpetrated. The change seemed to be well worthy of attention. In the next place, the danger now obviously pressing was this, that they were introducing a spirit of lawlessness and crime throughout the whole country. It had been observed by several speakers that the population of Ireland unfortunately connived at the perpetration of these crimes. That was perfectly true, and it constituted one of the great difficulties of dealing with the matter. It was true that this participation generally went no farther than connivance; but they had very good reason to know that the actual authors of these detestable outrages were brought over, often from a considerable distance, and then hired for a small sum of money to commit the crime. The only other point on which he wished to make any remark was the mode in which the present state of things in Ireland was to be dealt with. Her Majesty's Government had alluded to the Peace Preservation Act, and that Act might, he had no doubt, be used with great force. The evidence of all who were well acquainted with Ireland showed that, in certain districts at all events, it was a measure dreaded by the small occupiers, and that it had been resorted to with considerable effect in certain parts of the country. But he (the Earl of Carnarvon) viewed this question rather in the light of a simple question of executive administration. He could not help believing—and he made no complaint of the present in this respect any more than of the late Government—that if the powers which the law gave were carried out with an unsparing and energetic hand, they would be found to be effectual in putting a stop to a great extent to those outrages of which they had heard so much. Was there, he would ask, any other civilized country in Europe where such a state of things would be allowed to go on as that reign of terror which was now being established in Ireland? This was not the first time, he would add, that they had had to deal with evils of this kind. The diabolical confraternity of Thugs in India, which it was supposed to be impossible to touch, was trampled out by the unsparing exercise of executive authority; and the same unsparing exercise of it in Ireland would, he felt assured, result in reducing crime in that country within very much narrower limits than had hitherto been the case.

Depend upon it, whatever might be the grievances under which that country laboured, and whatever might be the remedies which they might propose to apply to those evils, their first duty was to crush out every open defiance of the law, such as that which they were now discussing, which could not be justified by any motives, and then to apply those remedies which they might think fit, and which prudent and humane legislation might suggest.

THE MARQUESS OF WESTMEATH said, that, in justice to the small farmers and tenants who were accused of conniving at these outrages, it ought to be known that they lived under a system of terrorism that paralyzed their energies. A reign of terror existed in Ireland; and the only way to put an end to the present outrages in that country was to make the terror of the law stronger than the terror created by disaffection. In his own long experience of Ireland he had frequently been appealed to by his own tenants to save them from what they called "those blackguards," meaning the Ribbonmen; and he regretted much that a fresh impulse should have been given to the action of those criminal men by throwing open the gaols, as had been done by the Chief Secretary for Ireland. The Government, he maintained, ought to go on the stool of repentance for the way in which they had acted in that matter, as well as for their conduct in doing away with the suspension of the Habeas Corpus Act under the circumstances in which Ireland was placed. He called upon Her Majesty's Government to take the most vigorous measures for enforcing the law, and to declare the principle of the measure they would introduce for the settlement of the land question.

EARL GRANVILLE said, he had been asked in a former part of the evening by the noble Viscount (Viscount Lifford) whether, in any legislation which might take place on the subject of the tenure of land, the Government would respect the rights of property. He could have no objection to make such a declaration in the plainest manner, inasmuch as he had already made it on a previous evening. Another Question, put to him by the noble and learned Lord (Lord Cairns), was whether, in dealing with this subject, the Government would consider the right of individuals to property as something distinct from the rights of the Church to property. He had no hesitation, also, in saying that the Government would recognize such a distinction.

THE EARL OF LEITRIM suggested that, in every instance where a murder had been committed and the murderer was not brought to justice, the district should be made to act the part of a life assurance company, and should be required to put the family of the murdered man in a better position than it was before. In his opinion, if that course were taken, these murders and outrages would be put an end to. As to the term "agrarian murders," he objected to it altogether. They were political, not agrarian, murders. He believed it was the practice of parties in this country to fight their battles on Irish soil. The feeling which existed among all parties in Ireland—he said it with deep regret—was dislike to England, and the connection between Ireland and America, which was every day increasing, might yet give rise to very serious dangers. The policy which had lately been adopted had so completely turned away the minds of those who formerly looked to English connection as their greatest hope, that they were becoming careless, even with regard to the continuance of the Union with Great Britain. The state of Ireland was such as to demand the most serious consideration. The evil was far deeper, he feared, than was generally supposed either in that or the other House of Parliament. It was a most dangerous thing to set aside the educated classes of a country, and to suppose that the whole system of administration was to be carried on through the police.

CASHEL ELECTION.

Message from the Commons that they have agreed to an Address to be presented to Her Majesty, to which they desire the concurrence of their Lordships.

Message to the Commons for copy of minutes of the evidence taken at the trial of the Cashel Borough Election Petition (1869).

House adjourned at a quarter before Nine o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 30*th April*, 1869.

MINUTES.]—PUBLIC BILLS—*Committee—Report* —Valuation of Property (Metropolis)* [12-100]; Stannaries * [24-101].

METROPOLIS—PARK LANE IMPROVEMENTS.—QUESTION.

MR. C. B. DENISON said, he wished to ask the First Commissioner of Works, What are the rights of the Crown over that portion of Hyde Park known as Hamilton Gardens; and whether, now that a portion of the Gardens are to be taken for the widening of the public thoroughfare in Park Lane, any objection exists to throwing open the remaining portion to public use?

MR. LAYARD said, in reply, that the rights of the Crown over Hamilton Gardens were the same as over the rest of Hyde Park. A portion of Hamilton Gardens was to be taken to make the new access to Piccadilly, if the Metropolitan Board of Works carried out that scheme. A very small portion would have to be given up; but, under present circumstances, it was not desirable to make any change in regard to throwing open the remaining portion to the public.

METROPOLIS—PUBLIC OFFICES, GREAT GEORGE STREET.—QUESTION.

MR. W. H. SMITH said, he wished to ask the First Commissioner of Works, If it is the intention of the Government to proceed this Session with the Bill for the acquisition of an additional site for the Public Offices in Great George Street, Delahay Street, and the adjacent streets?

MR. LAYARD, in reply, said the Government would proceed with the Bill which gave them power to take possession of the land between the India Office and Great George Street. It was, however, intended to exclude from the Bill certain houses in Great George Street, Delahay Street, and Duke Street, which were included in the deposited plan. He would strike out those houses from the Bill in Committee.

ARMY—ORDNANCE SURVEY.
QUESTION.

MR. A. JOHNSTON said, he would beg to ask the Secretary of State for War, Whether his attention has been drawn to a paragraph in the "Report of the Progress of the Ordnance Survey," lately issued, which paragraph set forth that the Scotch Survey has been "greatly retarded" by obstacles thrown in the way of Her Majesty's Sappers by the owners of Deer Forests; and, whether he will instruct the Officers conducting the said Survey to exercise unreservedly the powers conferred on them by the Act 4 & 5 Vict., c. 30, s. 2; and, if not, whether he will give orders indefinitely to postpone the Survey on Estates where obstacles continue to be made in its way?

MR. CARDWELL said, in reply, that the powers given to the Ordnance Survey were very extensive, and they were in general conducted with a due regard to the convenience of the proprietors of the land. With regard to the particular matter to which the hon. Member alluded, he had communicated with Sir Henry James, at the head of the Survey Department, and had received a note from that gentleman, in which he said that no one could impute blame to the proprietors for objecting to the survey being conducted on their land at a particular portion of the year. He hoped, therefore, that means would be found to conduct the survey with a due regard to the rights and interests of the proprietors of the soil.

IRELAND—IMPROPRIATE TITHE RENT-CHARGE.—QUESTION.

MR. CHARLEY said, he wished to know, Whether the Government thought it proper for the impropriate tithe rent-charge to continue to exist after the tithe rent-charge now in the possession of the Church had been merged in the land?

MR. GLADSTONE: The Government have had no occasion to consider this subject in connection with the Irish Church Bill. The two questions were entirely distinct. The hon. Member may, perhaps, see an analogy between Church property and private property, which we on this side of the House do not perceive so clearly. On this account the Government have had no occasion to take this matter into consideration in connection with the Irish Church Bill.

CORRUPT PRACTICES COMMISSIONS.

QUESTION.

Lord HENRY THYNNE said, he wished to ask Mr. Attorney General, When it is expected the Commissioners in the various inquiries into the Corrupt Practices in Norwich, Bridgwater, Beverley, Dublin, Cashel, &c., will commence their labours; and, whether there is any reason beyond the personal convenience of the three Commissioners, why the inquiries should not take place immediately on the Assent of the Crown being obtained, in order that the Writs may be issued, or Bills for the disfranchisement be introduced during the present Session?

The ATTORNEY GENERAL said, in reply, that he had communicated with the Commissioners, and hoped that as soon as possible they would begin their inquiries. The assent of both Houses, however, was necessary to the Address to the Crown, and the concurrence of the other House had not been obtained. When that was done he had no reason to doubt that the Commissioners would proceed with their inquiry with due despatch.

PARLIAMENT—BUSINESS OF THE HOUSE—MORNING SITTINGS.

QUESTION. RESOLUTIONS.

Lord CLAUD HAMILTON said, he would beg to ask the First Lord of the Treasury, What arrangement he proposes to make to enable Irish Members who have been appointed to serve on Committees to attend the Morning Sittings on the Irish Church Bill?

Mr. GLADSTONE: Sir, I believe the Private Bill Committees meet at eleven o'clock. [Several hon. Members: No, at twelve.] Then I should recommend them to meet at eleven. Of course I am aware of the inconvenience which arises from the Morning Sittings to Gentlemen who are engaged on Committees; but I am not aware that it has ever been found practicable to meet that inconvenience by any decision of the House applicable to any particular set of Members. Such a remedy would be, I fear, worse than the disease.

I have now to make the formal Motion which is necessary in order to open the way of the House to have Morning Sittings at such times and under such circumstances as may seem to be requisite. My object is to have the power and to be in a condition to ask the House to sit on Tuesdays, and, if necessary, on Fridays, in order to give ample time for the discussion of the Irish Church Bill, and to make progress with that Bill, which, as the House knows, it is desirable to send to the House of Lords at an early period. I will take this opportunity of saying a few words on the course of business this evening. I observe that the hon. Member for Galway (Mr. Gregory) does not intend to bring forward his Motion. Another hon. Gentleman (Mr. Bentinck) who had given notice of a Motion for this evening, does not appear in the House, and I am sure we must all regret the cause of his absence. The hon. Member for Salford (Mr. Charley) has given notice of his intention to call attention to a case ("Lavelle *v.* Proudfoot") which has occurred in Ireland, and to put certain questions to me. But I have to say on this subject that my right hon. Friend the Attorney-General for Ireland is not yet cognizant of the circumstances, and it will not therefore be in our power to discuss the matter this evening. I now come to the Notice of the hon. Member for Liverpool (Mr. Graves), and I am able to make a statement to him which will probably induce him to come to the conclusion that it will be well to postpone any discussion on Irish affairs to-night. The intention of the hon. Member is perhaps referable to two causes—the answer made by my right hon. Friend to the Question put by the noble Lord the Member for North Leicestershire (Lord John Manners) last night in relation to certain outrages which have unhappily occurred in Ireland, accompanied with the destruction of life, under a system of intimidation. On that subject I have to say that the Government are in communication with the Lord Lieutenant of Ireland, in order to determine whether it is in their power—and being in their power, it would be their duty—to propose any measures that are likely to strengthen the operation of the law for the repression and prevention of outrage. In the meantime, it would be quite impossible for the Government to enter upon the discussion of this subject until we have an opportunity of bringing these communications to a close. I may add, that the Government will be able to announce its intentions respecting this matter in a few days, and give the House an opportunity of passing judgment upon the decision come to. The other circumstance which has naturally attracted the attention and stirred the feeling of the House is a telegraphic report, which appeared yesterday, of certain declarations purporting to have been made by the head of the direct municipal body of the second city of Ireland—I mean the Mayor of Cork. I need scarcely say those expressions at once attracted the attention of the Government, and the best means at our command have been adopted to arrive at the true state of the facts. The meeting at which the expressions are stated to have been used was not, in the ordinary sense, I believe, a public meeting, but was attended by a somewhat limited number of persons. I am not, however, in a position to say at the present time whether the words were actually used or not. If these words were used — a matter which I hope we shall be able to clear up in a few days—we shall be in a position immediately to announce our intention in regard to the measures we may think fit to adopt in consequence. I hope, therefore, the hon. Gentleman will see that it will not be in our power to enter into a discussion upon this question until we, in conjunction with the Irish Government, have had an opportunity of considering the questions he proposes to bring forward; and that he will, consequently, postpone his Motion for to-night. The right hon. Gentleman concluded by moving that, unless the House should otherwise order, whenever it should meet at two o'clock it would proceed with the business usually taken at four; that if the business be not sooner disposed of, the House would suspend its sittings at seven o'clock; and at ten minutes before seven no opposed business should be proceeded with; and that when such business had not been disposed of at seven o'clock, the House would resume its sittings at nine o'clock, when the Orders of the Day not disposed of at the Morning Sitting, and any Motion under discussion at ten minutes to seven o'clock, should be set down in the Order Book after the other Orders of the Day.

Mr. CHARLEY said, he would consent to postpone his Motion till Tuesday next, and he hoped the Attorney General for Ireland would be prepared by that day.

Mr. GLADSTONE said, he could not, in the absence of his right hon. Friend, name a day for the bringing forward of his Question respecting the case of "Lavelle *v.* Proudfoot."

Mr. HEADLAM said, the Resolutions of the right hon. Gentleman bore with peculiar hardship on him. He had the first Notice of Motion for Tuesday next. The subject he proposed to deal with was an important one, and he had been requested by the shipping interest to take it up; but it was quite clear that if the House sat from two to seven on such a grave and important question as the Irish Church, it could not be expected that more than a few Members would meet again at nine. He had no intention to proceed against the wishes of the House; but he thought the Government might have made a much fairer proposition if they had taken Tuesday altogether to themselves, and have given some future Government night to independent Members who wished to bring forward their Motions.

Mr. NEWDEGATE said, he hoped the right hon. Gentleman the First Lord of the Treasury would consider the appeal that had been made to him. He (Mr. Newdegate) had served with the hon. Member for Cambridge University on the Committee of Public Business, and he was deeply impressed with the warnings that were given by Lord Eversley and the late Sir James Graham, who were called as witnesses, that the one thing which the House ought to avoid was uncertainty as to the business it had to consider. Now, these Resolutions did not refer especially to the Irish Church Bill or to any particular measure, but they made on the whole proceedings of the House for the appointed time. He admitted that the change in the habits of society and of this House might render some change advisable as a permanent arrangement, but let it be understood that it was permanent; because then, if the House willed it, Members of the House would have the opportunity of suggesting, as was their duty and privilege, subjects for consideration to the Government; which would not be unless the order of their proceedings was established. He spoke with some knowledge on this subject, as he had at one time been engaged in securing the attendance of one side of the House, and he knew that if there was no certainty it would be impossible for Members to do their duty. He must say that no sufficient reason had been adduced why the House should hold these exceptional sittings while they had not yet arrived at the month of May. But he would not urge that objection. He prayed the House to consider that if they contemplated any alteration in the hour of meeting, of adjournment, or of the close of their sittings, it would be well to consider the question in the light of a permanent arrangement.

Mr. BOUVERIE: Sir, I think there should be a distinct understanding that the commencement of Morning Sittings much earlier than usual should not be drawn into a precedent—that the sittings are simply for the purpose of facilitating the progress of the Irish Church Bill, and that they are not to become the rule. Because, if Morning Sittings are to be commenced in May, very few Members will have an opportunity of bringing forward their Motions and attending to the business of their constituents. The Question my right hon. Friend (Mr. Headlam) had upon the Paper is one of considerable importance to constituencies connected with the shipping interest, whose business it would be to keep a House, but although it is true the representatives of those constituencies will be to blame if they do not, I think their convenience should be consulted. But my main point is, that it should be clearly understood that Morning Sittings before Whitsuntide are peculiar to this occasion, and for this purpose only.

Viscount SANDON, on behalf of those who represented large constituencies, submitted that it was impossible for them to attend the debate in the House during the Morning Sitting, to attend any Committee they might be nominated for, and transact the other business a large constituency entailed if the course proposed for Monday were carried out. He would suggest that the sittings of Committees should be suspended for the next week.

Sir ROBERT PEEL: Sir, the First Minister of the Crown has stated that it would be for the public convenience if the Question as to the state of Ireland should be postponed for a few days until the Government had turned its attention to the subject. Now really, if this was not the fourth or fifth time the Government has asked for the postponement of Questions for the same reason, the excuse would not hold good to-night, because the Question proposed by the hon. Member for Liverpool (Mr. Graves) is of very great importance. I presume there can be no doubt as to the accuracy of the reports of the Mayor of Cork's speech in *The Times* and the Dublin papers; and it can matter very little if the remarks were addressed to a small meeting as the right hon. Gentleman has said.

Mr. GLADSTONE: I did not say that.

Sir ROBERT PEEL: The right hon. Gentleman said just now that, after all, the remarks of the Mayor of Cork were made to a small meeting—[" No, no!"] —to a private meeting then, and not in his capacity as Mayor of Cork. Now I say that is of no consequence, and I ask whether the Government have or have not received within the last few hours a notification that the remarks of the Mayor of Cork, as appearing in *The Times* and Dublin papers, accurately convey what he intended to say and did say to those whom he addressed, whether their numbers were few or many?

Mr. CHICHESTER FORTESCUE said, he had to state in reply to the right hon. Baronet that the Government were not, at the present time, more fully informed upon the subject to which he referred than were other hon. Members, their information being derived, in common with theirs, from the reports in the newspapers. The Government had, however, lost no time, directly the matter came within their cognizance, in calling for accurate information. He wrote yesterday to the resident magistrates in Cork, desiring them to supply him with accurate information upon the subject, and, if necessary, to test the truth of the newspaper reports, and to supply the Government with an accurate and, if possible, an authoritative report of the language made use of by the Mayor of Cork upon the occasion in question. That information he expected to receive to-morrow or the following day at the furthest. The following telegram had just been placed in his hands by an hon.

Member. It came from a highly respectable resident in Cork:—

> "Pending legal investigation on the part of the Government, the Municipal Council think it better to take no steps in the matter of the mayor. The feeling of the Council is entirely against the Mayor."

No telegram of the nature mentioned by the right hon. Gentleman had been received by the Government.

Mr. DAWSON DAMER rose to address the House, but—

Mr. SPEAKER intimated that there was no question before the House which would entitle hon. Members to discuss any Irish question. The sole question before the House was whether or not the Motion of the right hon. Gentleman with respect to the suspension of the Orders of the Day, for the purpose of enabling the House to hold Morning Sittings, should be agreed to.

Mr. GLADSTONE said, that, in order to prevent any misunderstanding, he wished to state that the right hon. Gentleman near him (Mr. Bouverie) had rightly understood the intention with which this proposal had been made on the part of the Government. It would be too early in the Session, looking to the state of business in the Committees, for Morning Sittings to be held as a matter of course. It would be a matter for subsequent consideration when they should revert to them. In reply to the noble Lord (Viscount Sandon) opposite, he apprehended that it was within the power of the Committees themselves to determine whether or not their sittings should be suspended during the week?

Motion *agreed to.*

Resolved, That, unless the House shall otherwise order, whenever the House shall meet at Two o'clock, the House will proceed with Private Business, Petitions, Motions for unopposed Returns, and leave of absence to Members, giving Notices of Motions, Questions to Ministers, and such Orders of the Day as shall have been appointed for the Morning Sitting.

Resolved, That on such days, if the business be not sooner disposed of, the House will suspend its sitting at Seven o'clock; and at Ten minutes before Seven o'clock, unless the House shall otherwise order, Mr. Speaker shall adjourn the Debate on any business then under discussion, or the Chairman shall report Progress, as the case may be, and no opposed business shall then be proceeded with.

Resolved, That when such business has not been disposed of at Seven o'clock, unless the House shall otherwise order, Mr. Speaker (or the Chairman, in case the House shall be in Committee) do leave the Chair, and the House will resume its sitting at Nine o'clock, when the Orders of the Day not disposed of at the Morning Sitting, and any Motion which was under discussion at Ten minutes to Seven o'clock, shall be set down in the Order Book after the other Orders of the Day.

Resolved, That whenever the House shall be in Committee at Seven o'clock, the Chairman do report Progress when the House resumes its sitting.—(*Mr. Gladstone.*)

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

STATE OF IRELAND.—OBSERVATIONS.

Mr. GRAVES said, he did not know that he had ever risen in that House under a greater sense of the responsibility which he incurred than he did in rising to deal with this question; and he felt that responsibility still more after the appeal to postpone the consideration of this question which had been made to him that night by the First Minister of the Crown. It required some confidence in his own motives and in his own judgment to resist such an appeal. If the grounds upon which he brought this matter under the consideration of the House were identical with those mentioned by the right hon. Gentleman, he should feel that there was some force in that appeal; but he did not intend to make more than a mere passing allusion to the Mayor of Cork, or to regard the act of that person as more than one of the incidents or events that had recently occurred in Ireland. His object in bringing forward this matter had a much larger and wider range—it was to call the attention of the House to the condition of Ireland at the present moment. He understood that, in "another place," a similar Notice had been given last night, and as a discussion upon the subject was likely to arise there, he saw no advantage that could be derived from postponing the consideration of this subject to a future day. Having taken the pains to consult many representatives of the various sections sitting on both sides of that House, for the purpose of ascertaining whether, in bringing forward this question, he was taking a step which, in their opinion, was injudicious, he felt bound to state that he had not heard a single dissentient voice with reference to the propriety, nay, the necessity, of the course he had thought it right to adopt. Under these circumstances he trusted that, if he found himself unable to accede to the request of the right hon. Gentleman, he should not be deemed to be showing any want of courtesy or of respect to either the right hon. Gentleman personally or to Her Majesty's Government. He was influenced in this matter by one feeling only, and that was by a sense of public duty; and, as far as he could, he would endeavour to deal with it in fairness and moderation He could not take up this question without expressing his regret that it had not fallen into the hands of a somewhat more experienced Member on either side of the House, because he did not consider that the question was one of an entirely party character, and because he felt that there must be men on both sides of the House who viewed the present state of things in Ireland with the deepest concern. There were, however, reasons of a personal character why, possibly, he felt more than any other English representative especially interested in the condition of Ireland—his associations were centred in that country—he was almost the only member of his family residing out of it, and the constituency in which he had the honour of sharing the representation (Liverpool) contained a much larger Irish population within it than any other constituency in England. It was bound to Ireland by trading relations of no ordinary magnitude—and he need scarcely say that peace and tranquillity were the essential conditions of prosperous trading; and that if in Ireland credit was receiving a shock, if confidence and security were both being more or less lessened, and trade consequently became paralyzed in that country, its reflex action upon the trade of Liverpool and England was felt to a considerable extent. It would be unnecessary for him to go into any large amount of detail to satisfy the House that the condition of things in Ireland was most unsatisfactory—nay, more, that it was absolutely dangerous to the national welfare. There was a lawlessness, an insecurity, and a sedition extending itself throughout the country, unchecked, apparently, or at least undetected, which if allowed to go on unrestrained might possibly lead to consequences of a very disastrous character. It was true that the crime of murder was confined at present to two of the Irish counties, but there was no security that that crime would not extend to other parts of the country. Each day the category of crime in that country swelled and became darker and darker. In the North there were indications of approaching sectarian strife, and in the South there were strong symptoms of disaffection—disaffection which had become more remarkable from the fact that the chief magistrate of Cork, to whom the right hon. Gentleman had alluded, had lent himself and his high office to language of the most seditious and treasonable character. He was not going to repeat from the public prints the words which the Mayor was alleged to have uttered on the occasion, for he had no desire to give greater prominence to his rebellious language than he could by possibility help; but the fact was striking and significant—that the gentleman in question, having been removed last year from the Commission of the Peace in censquence of his seditious practices, should, in a few months afterwards, be returned as the chief magistrate of the second city in Ireland, and that since he had attained office, he had never lost an opportunity of giving utterance to treasonable and seditious language without, as far as he knew, the slightest admonition, from Her Majesty's Government. One of the principal reasons why he had not felt himself at liberty to postpone bringing the subject forward was that the released Fenian prisoners, for whom the banquet had been given, had just left for America, and, looking at the desire shown by the Press of that country to magnify the power of Fenianism, he held it to be important that the law should be vindicated with promptitude, so that, concurrently with the arrival of those men in America, and the reception of the report of the proceedings in Cork, it should also be known on the other side of the Atlantic that the law had been vindicated, and that it was not sanctioned or allowed that the Mayor of Cork should continue in office, or, at least, continue unindicted for the offence he had committed. They could well imagine how the proceedings at Cork would be exaggerated in America; and, if there were no other side of the question was presented to the Irish there than that shown by the defiant language of the Mayor of so important a city as Cork, the dying embers of Fenianism in that country might be again kindled, and lead to results such as it would be painful for us to contemplate. Without going further into detail as to the number of murders which had occurred, the number of threatening notices which had been received and the number of agrarian offences of a greater or a minor character which had been committed must produce the most serious anxiety in the minds of all thoughtful men; and he must say that, to his mind, Ireland at this moment presented a darker and a sadder picture than he had known it to present at any former period within his experience. In all former outbursts of discontent and crime, there was a silver lining to the cloud in the loyalty and fidelity of the North; but now he grieved to say this was all shaken, for the Protestants of Ireland looked on with indifference, if not with disgust. They found that crime was unrepressed, and that the law was defied in the most open manner. In no one of the recent cases of assassination had the murderer been brought to justice. Whether this arose from sympathy, or from fear on the part of the people of Ireland, he was unable to say; but the fact remained that crime was undetected, life insecure, and the rights of property invaded. Under these circumstances, he thought, to remain longer silent might be regarded as timidity on the part of independent Members like himself, and their reticence might be regarded as indifference to the condition of Ireland. He regretted exceedingly his being obliged to delay for a moment the free course of the debate on the Irish Church; but, even at the risk of doing so, he felt it to be his duty to bring forward this subject. On the Opposition side of the House they had met and resisted, by free opinion and argument, the position taken by Her Majesty's Government and their supporters on the Irish Church question. He hoped, however, that, while endeavouring to carry out their own views, the Opposition had not made use of any unfair or illegitimate means. Indeed, he rather feared that the desire entertained by Gentlemen on his side of the House not to do anything that might have even an appearance of obstruction had led to greater forbearance on their part, in respect of comment on the present state of Ireland, than was warranted or justifiable under the sad circumstances of the country. He did not remember any previous year in which there had not been an "Irish debate"—a debate on the general state of Ireland—at an earlier period of the Session, and certainly he did not remember any former Session in which there was greater reason for such a debate. Since last night he had received a large number of letters from friends—some of them Members of that House—on the condition of Ireland, and he could assure the House that those communications indicated even a more alarming state of affairs in Ireland than was represented by the statements in the public papers. He did not wish to aggravate the general feeling with regard to Ireland, but he might say, without troubling the House with the letters themselves—["Read."]—well, if it were the wish of the House he would read the letters; but probably the House would be of opinion that it was enough for him to say they all indicated that there was a most uneasy feeling in Ireland—that property was regarded as to some extent insecure, and life was believed to be still more insecure. In point of fact, there was a general feeling of alarm and consternation among the better classes, who did not very well see what was to be the result if the present lawlessness were not put an end to. One naturally asked oneself a question, which he had put to himself over and over again—"What was the cause of all this?" Was Fenianism cropping up again under another phase? He did not believe that it was. Any one who had watched the course of Fenianism could not have helped being struck by the singular fact that the life of an individual was never attempted to be taken in Ireland in order to promote the views of Fenians. Assassination was foreign to them in this country. Therefore, he could not see any reason to think that Fenianism was at the bottom of the crimes now being committed in Ireland. The Habeas Corpus Suspension Act had been allowed to expire, and they had had no explanation of why it had been allowed to expire, but he presumed the Government felt warranted in not asking for a renewal of the suspension. Besides, the outrages to which he had been alluding had not been commenced since the expiration of the Habeas Corpus Suspension Act; they had been going on during the continuance of that Act. Could the debate on the Irish Church question have anything to do with the present state of things in Ireland? He had no wish to introduce into the discussion on those crimes the concurrent one of the Irish Church; but he could not help thinking that Her Majesty's Government, and those who took the same view as they did, must feel deeply and bitterly disappointed that, while they were doing what, according to their own honest convictions, they thought was calculated to redress that which they believed to be injustice towards Ireland, those crimes were being committed in that country. The Government were almost chivalrously, and certainly, from their point of view, philanthropically forcing their remedy on the House. He thought, therefore, it must be a source of bitter disappointment to them to find such a state of things, after a course which, no doubt, they had supposed would produce a contrary effect in Ireland. He did not himself admit that there was any very close connection in the way of cause and effect between the Irish Church debates and the disorganization of Ireland. There never has been any connection between the Irish Church and Irish discontent, and there is none now. Well, then, was there any defect in the administration of the law? He was now alluding more particularly to the administration of the law under the Lord Lieutenant. Had his Excellency been wanting in force and judgment during the few months he had been at the head of the Irish Government? Those who knew that nobleman would agree with him in thinking that no one could bring to his high office qualities more likely to be successful than those possessed by Earl Spencer. Were the police inefficient or wanting in zeal and fidelity, and were they unable to lay their finger on the criminals? They had proved the Irish police during the Fenian conspiracy. It was quite possible that the Irish constabulary might not be the very best description of machinery for discovering the persons who committed outrages. The military character of that force might be an obstacle in the way of the men fraternizing with the people in such a way as to get at the secret of the present disposition to lawlessness; but no one could say that the Irish police were wanting in zeal and fidelity. There was only one other thing to which the present state of Ireland could be ascribed. Having given the subject the best consideration he could, and knowing the country well, he was bound to say that he believed the land question lay at the root of the disorganized state of Ireland at the present moment. He had always contended that the land question was the primary one that ought to be dealt with, he had proved it by his vote in supporting the Bill of the Prime Minister in 1866; and if, instead of taking up the subject of the Irish Church—though he admitted great differences of opinion existed on this point—the Government and that House had found means of devising an equitable enactment, which, without violating on the one hand rights of property, or on the other hand the rights of labour, would have settled the land question, such a course of legislation would have been more advisable. There was a general feeling abroad in Ireland that some great changes were to be made in connection with the land as well as with reference to the Church in that country; and, in preparation for those changes, it might be that there was a desire to get possession or occupation, or to retain the occupation of the land in Ireland among a large number of persons. If that feeling existed, from what, he should like to know, had it sprung? Had expectations been held out that the changes to be introduced would be of an organic character? He feared that such was the case, and although he should have liked to have omitted all reference to what had fallen from leading Members of the Government in the remarks which he felt called upon to make that evening, still he felt it to be necessary to his argument to state that false hopes had been raised in the minds of the people of Ireland with respect to a most vital question—hopes which could never be realized—and that the fact that these expectations were unfulfilled was bringing about a most serious state of things in that country. He recollected being struck, at the time when it was published, by a speech which had been delivered by the right hon. Gentleman at the head of the Government in Lancashire, last year, in which, speaking with reference to Ireland, he said—

> "It is clear the Church of Ireland offers to us indeed, a great question; but even that question is but one of a group of questions. There is the Church of Ireland, there is the land of Ireland,

> there is the education of Ireland; there are many subjects, all of which depend upon one greater than them all; they are all so many branches from one trunk, and that trunk is the tree of what is called Protestant ascendancy. Gentlemen, I look, for one, to this Protestant people to put down Protestant ascendancy, which pretends to seek its objects by doing homage to religious truth, and instead of consecrating politics desecrates religion. It is upon that system that we are banded together to make war. So long as that system subsists our covenant endures for the prosecution of that purpose for which we seek your assistance; and because, although, as I said early in these remarks, we have paid instalments to Ireland, the mass of the people would not be worthy to be free if they were satisfied with instalments, or if they could be contented with anything less than justice, we therefore aim at the destruction of that system of ascendancy which, though it has been crippled and curtailed by former measures, yet still must be allowed to exist. It is still there, like a tall tree of noxious growth lifting its head to heaven, and darkening and poisoning the land so far as its shadow can extend."

Now he did not think he was putting the argument too high when he contended that those remarks were calculated to raise the greatest expectations, and to bring about, in a considerable degree, the existing state of things, in Ireland. He now came to a speech which was delivered by another leading Member of the Cabinet, the right hon. Gentleman the President of the Board of Trade (Mr. Bright), either at Edinburgh or Glasgow, which was published in *The Times* newspaper, and in the course of which the right hon. Gentleman said—

> " In Ireland the land really is not in the possession of what I may call native proprietors, or natives of the country, to a large extent. It seems to be an essential thing for the peace of every country that its soil should, at least, be in the possession of its own people. I believe that in Ireland it will be necessary to adopt some plan—and I believe there is a plan which can be adopted without injustice or wrong to any man—by which gradually the land of Ireland may be, to a considerable extent, transferred from foreign, or alien, or absentee Protestant proprietors—transferred into the hands of the Catholic resident population of the country. I do not anticipate myself that until something of that kind is put in process and in operation we shall find tranquillity and content in Ireland such as we would wish to see it."

There was one more expression of opinion on the part of a Member of the Government in relation to the question of the land in Ireland, to which he wished to refer. The right hon. Gentleman the Secretary of State for the Home Department (Mr. Bruce) was reported in the *Cambria Daily Leader* to have used, in the course of last autumn, the following words:—

> " Was it not a deplorable fact that only 7 per cent of the land belonged to the Roman Catholic population? How was such a state of things effected but by the enactment of the most cruel—yes, and he was not ashamed to state—the most infernal laws that had been made and enforced upon a people."

Now, it had, he understood, been stated in " another place" that those words had not been used by the right hon. Gentleman, and he was glad to afford him an opportunity of making the denial in the House of Commons; the passage which he had quoted contained an expression such as the Members of that House were not in the habit of hearing from the right hon. Gentleman, and he, for one, doubted his having made them. In conclusion, he had simply to observe that he had carefully abstained from casting reflections on any one. He had endeavoured above all things to avoid throwing reflections on Her Majesty's Government, because he felt the difficulty of the position in which they were involved; and he was to the fullest extent alive to the disappointment which they must experience at the present state of Ireland after the sacrifices which they had urged that House to make—law and order were the first principles of good government, and they must be maintained at all hazards. He had had but one motive in bringing forward the question to which he had called the attention of the House, and he trusted that the result of the discussion which might possibly follow would be the taking some course of action by means of which the tide of lawlessness which was apparently setting in with so much force in Ireland might be stemmed. He begged, without further comment, to ask the Government whether, under the circumstances which he had detailed, they would feel warranted in giving some explanation as to their views with respect to the condition of Ireland, and such an indication of their policy towards that country as might give some assurance to those who reside in it, which would be satisfactory not only to them but to the public at large?

Mr. CHICHESTER FORTESCUE: Sir, I should be the last man in this House to under-rate the importance of the subject to which the hon. Gentleman (Mr. Graves) has just invited our attention, or to endeavour to palliate the seriousness of that state of agrarian crime which prevails in certain districts in Ireland. I cannot, however agree with that portion of the opening description of the hon. Gentleman of the state of that country, in which he spoke of her as now presenting the darkest and saddest picture which she has ever presented to our view. The justice of that description I venture strongly to contest. It is, in the first place, a fact of great significance that those lamentable outrages, arising undoubtedly from an agrarian combination most dangerous to the peace and happiness of the country, and most perplexing and baffling to the Executive Government, are confined to certain limited districts. The last atrocious crime of all which has been committed in Ireland, and which appears to be one of the worst which have been perpetrated —I mean the murder of Captain Tarleton —did not occur in a part of the country hitherto untainted, but in that part of the county of Westmeath, which has for many years been deeply tainted by the proceedings of the Ribbon Society. I must also tell the hon. Gentleman, when he speaks of Ireland presenting so sad and dark a picture, that, if he will only look back to her history during the lifetime of many of us, he will find that within the last twenty, thirty, or forty years she has been occasionally disgraced by a far larger amount of those agrarian crimes—crimes greater in intensity and wider in extent than those which we now have unhappily to deplore. I have thought it right to qualify the statement of the hon. Gentleman by making those observations, while I do not in the least undervalue the seriousness of the question which he has raised as regards certain parts of Ireland. The hon. Gentleman went on to address himself to the cause of this state of things, which is a very difficult subject indeed, and one not to be dismissed or resolved so easily as he seems to imagine. We all have seen the popular explanations which have appeared in portions of the press on the subject, and I am glad to find that the hon. Gentleman has not altogether identified himself with all this rash and superficial expression of opinion, because, although he has insinuated that there might be some connection between the outrages in Ireland and the discussions on the question of the Irish Church in this House, he still, if I understand him rightly, does not maintain that our dealing with the Irish Church is the cause of the agrarian crime in that country. The hon. Gentleman does not extend that indulgence to certain expressions of opinion uttered by Gentlemen on this side of the House with respect to the land, and thinks they must have had something to do with this outburst of agrarian crime. I hold that to be an opinion absolutely devoid of foundation, totally incapable of proof, and contradicted by all who have any knowledge or experience of these matters in Ireland. What are those expressions of opinion on the part of leading politicians on this side of the House, some of whom are leading Members of the present Government? What do they come to? They come to this—that the head of the Government and some of his most distinguished Colleagues felt it right to say publicly that the land question must be dealt with in its turn. They come to nothing more nor less than that—that upon the land question of Ireland there must be legislation. Is the other side of the House prepared to contradict that assertion? Are hon. Gentlemen sitting on the front Opposition Bench prepared to say that there should not be legislation on the land question of Ireland? Do they suppose that an announcement to the tenantry of Ireland that there shall be no legislation on the land question, upon the relations of landlord and tenant, would tend to produce peace and contentment? I commend that question to the serious consideration of hon. Gentlemen opposite. The fact is, that these lamentable agrarian outrages and mischievous secret societies from which they have sprung have nothing whatever to do with what we call politics, and have nothing whatever to do with political speeches. It is, no doubt, most difficult to assign specific causes for the outbreak of these agrarian outrages in any particular district of Ireland at a particular time. We know, as a fact, that they almost invariably linger in certain districts of Ireland, and, undoubtedly, they are not unconnected with the social and economical condition of those districts. There is also the fact of the inveterate tradition and habit by which this lamentable custom of secret combination is handed down from generation to generation in these particular districts. There is the further fact that now and then these outbreaks arise from some excessive and outrageous exercise of legal power, such as that attempted by Mr. Scully in Tipperary, last Septemper, which excites feelings of resistance and vengeance, and occasions lamentable breaches of the law and loss of life, and these feelings perpetuate and extend themselves, and lead to outrages but remotely connected with the original cause of dissatisfaction. When we are told that the causes of this renewed outburst of agrarian crime in Tipperary and Westmeath are to be sought for in the political events of the last few months, in the conduct of the present Government, and in expressions publicly used by Members of the present Government, let me remind the House of one fact which dispels all these dreams and calumnies, and that is the fact that when we came into Office last December we found this outbreak already begun and in full force. I am not furnished with all the facts relating to the agrarian crime of Ireland for many years past, which it would have been well to have had before us, because the hon. Gentleman (Mr. Graves) has given only a few hours' notice of his intention to bring the subject forward; but I happen to have some statistics of the crime of Westmeath for the last twenty years. Since 1848, thirty-five lives have been lost by violence in Westmeath — certainly not all, though probably the greater number, from agrarian causes; and there have been forty-five cases in which persons have been fired at. The present system of agrarian terrorism which is disgracing portions of the county of Westmeath may be said to have begun in 1866, when a farmer named Jessop was shot, and Mr. Hornidge was fired at. That was the beginning of the series of crimes which have since occurred. The outbreak showed itself in a lamentable manner this time last year in the murder of Mr. Featherstonhaugh, which was as much connected with the visit of the Prince of Wales at that time as it was with the Irish Church, or with the speech of the First Minister of the Crown. The state of crime and combination again reveal itself in the murder of Mr. Anketell at the Mullingar station, and now it has shown itself in the murder of Captain Tarleton. This state of things begun in 1866, was renewed in 1868, and was again renewed in 1869. The county of Tipperary, although no doubt bearing an evil name for these agrarian crimes, for some time had been comparatively quiet, when, last September, the unhappy affair occurred at Ballycohey, through Mr. Scully attempting to enforce on his tenants, by ejectment, agreements of the most arbitrary and objectionable character. The result of that attempt was an ambuscade, into which Mr. Scully and the policemen who accompanied him fell, and two lives were lost. That lamentable affair has since been followed by three other murders; but the Ballycohey outrage was, as is well known, the beginning of the renewed outbreak of crime in Tipperary. That occurred in September last, independently, I venture to think, of all those causes which are alleged or insinuated by the hon. Gentleman. It is obvious to the House, from the recurrence of these crimes in the same community, that they have a tendency to multiply themselves; and that is a grave and serious fact with which we have to deal. It is from that source, in the absence of detection and conviction, that I infer the crimes we are now deploring have come. I need hardly assure the House that the Government, and especially my noble Friend at the head of the Irish Government, my right hon. Friend the Attorney General for Ireland, and myself—ever since we acceded to Office, have been most anxiously and constantly engaged in using our best efforts to direct all the power of the law and of the police to the detection and suppression of these crimes. I attach very considerable value to the power which the Lord Lieutenant possesses under the Peace Preservation Act of increasing the police force of any particular district and charging upon that district, both by way of protection and by way of penalty, the cost of that force. That power is now being exercised in a greater degree than it was before we acceded to Office. I must add that, in that particular, we found that there had been neglect on the part of the Irish Executive before we came into Office. It is an unfortunate fact, and it is well known to have produced evil consequences. In Westmeath, the extra police tax imposed in 1866, for two years had never been collected; substantial farmers, well able to pay, had been allowed to defy the law; and the cess collectors, in whose hands the collection of the tax had been left, had allowed the matter to go on for month after month without making any attempt to enforce payment. Again, the extra police who had been sent down to Ballycohey had been unfortunately withdrawn, and the extra tax for the short time they were there I discovered, by accident, had not for a long time been collected. We have made up our mind to apply this power in every case of serious agrarian outrage in which combination and connivance on the part of the neighbourhood are evident. We have given positive orders that, in every case of such outrage, the resident magistrates and the police officers of the locality shall at once report upon the means of finding a suitable temporary barrack for a party of police, who should be sent down and the expense charged upon the locality in which the crime has been committed. We have also adopted a very necessary improvement which we found we had power to do; we have taken the collection of this extra police tax out of the hands of the ordinary cess collectors, and we have placed it in the hands of the police. The other powers possessed by the Lord Lieutenant under the Peace Preservation Act, such as the power of searching for arms, and the law by which the possession of arms in these districts, except under license, is prohibited, are also being applied far more more rigorously than they were before. Of course, other means are being used for the detection of crime which it is not my duty to detail to the House; but the House may rely upon it that the Government are using every means in their power and making use of their best officers among the resident magistracy and the police for the purpose of detecting and suppressing these dangerous agrarian crimes; and I do not believe that it is the fault of those gentlemen themselves if these crimes pass undetected. A great deal has been said—I am not sure it has been said to-night—about the efficiency of the Irish police for the detection of crime; and I admit, with all admiration for the high qualities which the Irish constabulary have shown, they have proved themselves more valuable as a semi-military force for the preservation of peace than for the ordinary police duties for the detection of crime. It is extremely difficult to reconcile these two classes of duties, and, undoubtedly, it is the duty of the Government to consider in what respects the Irish constabulary can be improved, so as to combine all the admirable qualities they possess with greater efficiency in the detection of crime. But that is a matter that takes time; and all I can say is that the Government are applying themselves with zeal and energy to the question. I need not add anything to what was said by my right hon. Friend near me (the First Lord of the Treasury) at the beginning of the evening with respect to any further measures to be taken for the preservation of the peace in Ireland. The whole subject is under the most careful and anxious consideration of the Government; and while it is impossible for them to go into any detailed statement to the House, on the present occasion, of what ought to be done for the purpose of strengthening the Executive, or improving the means for the suppression and detection of crime, the House may rely that the whole subject has engaged, and will continue to engage, their most anxious consideration. What I have just said applies, not only to the general question of agrarian crimes, but also to the particular case of the Mayor of Cork, which was not alluded to by the hon. Member for Liverpool, but which has naturally excited a great deal of attention in the House. The conduct of the Mayor of Cork the other day, if the words reported to be used by him are correctly reported, is of so grave a character that, as soon as the Government is in possession of authentic information on the subject, it will be their duty to take it into their most serious consideration.

Lord STANLEY: I am not inclined to blame—and I do not think that any reasonable man will blame—her Majesty's Government because they decline to express, except in the general terms used by the right hon. Gentleman (the Chief Secretary for Ireland) any opinion upon the language or conduct of the Mayor of Cork. Every man, whatever he may have said or done, has a right not to be condemned unheard; and I think it perfectly fair that the Executive should have full time and opportunity of knowing what this man has really said, what are the exact terms he has used, and what apology or explanation he may have to offer. There is only one thing I will say on this part of the question, because the fact to which it relates is notorious, and our opinion upon it cannot be modified by any explanation that may be subsequently given. I do think that a person who presides at a meeting publicly held in honour of Fenian insurgents—whatever the excuse or the occasion may be on which such meeting was held—especially in a country in the state in which Ireland is now, is one who ought not to be permitted to exercise any administrative office or to interfere in any manner with the execution of justice. The mere spectacle of such a man in such a place —I put it on that ground alone, I care not what he said—is a scandal, and gives more encouragement to the disaffected than could be given by ten thousand ordinary Fenian speeches. But this question of the Mayor of Cork is only a small portion of a very large difficulty. I fear that the state of Ireland at the present time is very grave, and that, if much care is not taken, and much energy is not used, it will tend to become worse rather than better. There has been nothing, so far as I know, for many years past—not even in the early time of the Fenian movement, when the hopes of its promoters were high, and when exaggerated rumours were flying about the country—there has been nothing, I believe, for many years past, like the state of insecurity and uneasiness that exists at the present moment through a large portion of the rural districts in Ireland. I have some connections and many friends in Ireland, and to whatever party they belong, and in whatever part of the country they reside, they all concur in this opinion. Indeed, the right hon. Gentleman has not attempted to deny the existence of this state of things. If I caught rightly his words he said—We must remember that all this was nothing new, and that things used to be quite as bad, or even much worse, forty years ago. That may be perfectly true, but it seems to me but a poor consolation. The question is not one for the Executive only, but for the House itself, for we all share in the responsibility of what is to be done. I do not care to go back upon the past, and it is only with regard to its bearing upon the present state of things that I refer to one thing which has been done and which I greatly regret, I mean the rather indiscriminate liberation of the Fenian prisoners. I think that has been generally considered in this country to have been a mistake; and I believe that those who advised and are responsible for it will be apt to doubt whether they have not made a mistake when they see the manner in which their clemency has been received. It has been ascribed by some to a fear of Fenianism itself, or a fear of the friends and sympathizers whom the Fenians might be supposed to have in other countries. It has been ascribed by others, no doubt very mistakenly, to another feeling—a kind of sympathy or compassion for those unfortunate men, as if they were people for whom great excuse was to be made, and who had been acting under extraordinary provocation. I say it is most unfortunate that an idea of this kind should spread abroad, and the attitude which the Government has taken, or seems to have taken, is not one which ought to have been assumed by a Government whose very existence is threatened. It is all very well to show mercy to a conquered enemy—no one can admit that more readily than I do—but we should be sure in the first place that our enemy is conquered. All that, however, is done and past. But I am bound to say, whatever effect this proceeding has had —and I believe it had an evil effect— it is not the chief cause of the state of excitement and disturbance which at present prevails. I am afraid that state of things has a very different origin. Questions which were raised at the late elections have been looked upon in a different manner in England and in Ireland. I am not now referring to the question of the Irish Church; I will not say one word about it. We must recollect that, if the Irish people take rather peculiar views of our motives and actions, they have some justification for doing so. They recollect the time of the armed Volunteers in 1782, when the country was on the verge of insurrection, and they recollect how that threatened insurrection ended in giving Ireland what she never had before—a free and independent Parliament. They remember the language held by the Duke of Wellington in 1829, when he frankly avowed that he accepted Roman Catholic emancipation as the alternative of civil war; and however unreasonable we may think it, still from their point of view it is not so absurd that they should imagine that what the Volunteers did in 1782, and what the danger of civil war did in 1829, the Fenian movement may do at the present day. They believe that it has already swept away the Church, and that it will yet sweep away the foreign proprietors of the land. I am afraid I am not going too far when I say that a large portion of the tenantry in Ireland look upon the land as already theirs by right, and as almost theirs in fact, and that the landowners, who are in their view usurpers, will very shortly be ejected. The right hon. Gentleman argues that nothing that has been said or done in this House since the elections can have much to do with the state of feeling which prevails in Ireland, because the Government found it existing at the time when they came into power. And again the right hon. Gentleman said he did not think that anyone could blame the prominent Members of the Government for only saying that the question of the land ought to be dealt with. Now, upon that point, I will remind the House that the revival of this agrarian agitation—certainly stronger now than it has been for many years past—very nearly coincided with the canvass which ended in the General Election of last year; and as for saying that the Members of the Government are not to blame for stating that the land question ought to be taken up, if they had said that, and had said nothing more, no complaint could be made against them. That question had already been taken up on this side of the House, and I believe with the general concurrence of the Conservative party. We attempted to deal with it, and we shall be ready to help you to deal with it. But the question is not whether the land laws ought to be dealt with, but how it ought to be dealt with, and on what basis. Let me distinctly state that I am not blaming the Government, as I know they have been blamed elsewhere, for not attempting to bring in a Land Bill in the course of the present Session. I know perfectly well that that would be practically impossible. They have quite enough to do as it is, and there would be no time to consider such a measure. But what I think we have a right to expect of them is that they will give some such declaration of their general views and principles upon this controversy, as will, at one and the same time satisfy the reasonable expectations of those who only want to see it settled on a basis of justice, and dissipate those wild imaginations which are at present so rife in the popular mind of Ireland. Now, I do not think there ought to be any difficulty in that, because the question as it now stands is one quite as much of principle as of detail. In point of fact, in what is rather vaguely called the land question there are two questions involved, the one entirely distinct from the other. One is the right of the tenant to obtain compensation for unexhausted improvements when he quits possession; and the other is the imaginary right of the occupier to the permanent possession of the land. With regard to the first of these claims, I cannot think that, when we have leisure to deal with it, it ought to be one which will give us much serious difficulty, because the right of the tenant to compensation has been recognized by both sides of the House. It has been recognized both by the late and the present Government, the only difference between them being one of detail; and if we approach it with good-will I have no doubt that difference may be removed or compromised. But the serious question is as to the other and further claim which the Irish tenants imagine they possess to the soil itself. I for one do not profess any great anxiety or alarm as to the view which the present Government, or any Government, will take upon that subject. I believe they will be as ready as we are to repudiate theories which, if they could be put into practice, would be utterly fatal to agricultural improvement and to the progress of the country, and would be incompatible with the existence of landed property in any form. I say, then, that I do not infer from the silence of the Government that they have sympathy with or participation in the views which, unfortunately, are so prevalent among the Irish peasantry. But I say that that which we have every reason to believe they mean they ought to tell us openly they do mean. The Irish people do not know where they stand in this matter, and while the present state of doubt and uncertainty lasts there will be no security for either agents or landlords in Ireland. In saying that I do not mean to censure the poor people who are carried away by those illusions. They are really in a position for which large allowance must be made. They have no chance of hearing both sides of the question. They have only two kinds of instructors to guide them—the local press and the Roman Catholic clergy. Now, the local press is mainly written for circulation among them, and, as must always happen in such cases, it reflects to a great extent their feelings, their prejudices, and their passions. With regard to the Roman Catholic clergy, I wish to speak of them with all the respect that is due to a body of men of exemplary personal conduct. I do not believe they have the slightest partiality for revolutionary views as such. I have not the slightest doubt that, if the conditions of the case were reversed, and the bulk of the landlords were Roman Catholics, while the bulk of the occupiers were Protestant, you would find them quite as strong advocates of the indefeasible rights of proprietors as they are at present of the just claims of tenants. They look upon this question—and I do not much wonder at it—as a question of religion and race; and not having in general any very wide experience of secular matters, or any large sphere of knowledge beyond their own profession, they are upon this subject as often deluded as deluders. What we want—and it is for that purpose alone I now rise—is to obtain from the Government a declaration—it need not be in many words, but I hope they will be plain and distinct—that while on the one hand the claim of the tenants to compensation shall be admitted and respected, the proprietary rights of the landlords on the other hand will be firmly maintained. Let them only be firm upon that point—let them only act upon what I have no doubt is their own view of the subject—let them only maintain the law calmly and resolutely, and depend upon it you will get over this agitation as you have got over hundreds of similar agitations. But if everything is to remain in a state of obscurity until next year, if the Irish people are left in the dark, if they are left unchecked and uncontradicted to entertain any wild fancies upon this matter that may float through their minds, then I fear that the present excitement and disturbance will continue and will even increase; and in that case, but in that case only, I will say, that for what may occur in the next few months, the Executive authority must be held responsible.

Mr. SHERLOCK said, it was unfair to discuss these outrages in connection with the Irish Church question, and it was equally impossible to justify them, whatever might be the wants or passions of the perpetrators. Some of these outrages might have their root in the want of sympathy between landlords and tenants, yet he would be far from asserting that any of the recent victims in these outrages were wanting in their duties as landlords. On the other hand, to make this a political question was wholly unjust. Those who committed such outrages ought to know that they evoked prejudices against the cause of the Irish tenants, and deprived their advocates in that House of the power of pressing their case with as much energy as if Ireland were peaceful. He believed that no body of men could more strongly deprecate these outrages than those who advocated the cause of the Irish tenant-farmers. It had been suggested that the Irish peasants desired to become proprietors of the land by turning out the present owners. He had been much in communication with the tenantry of Ireland; but he never heard from any tenant that he considered himself entitled to turn out his landlord and become the owner of the land. He entreated the Government not to be entrapped into making at the present moment a declaration of their future policy on the subject of land tenure. He believed that security of tenure would be acquiesced in by many of the landlords, but hon. Members opposite were not justified in asking the Government now to make a declaration in that respect. Possibly no definite views had yet been formed by the Government on this subject.

Mr. FOTHERGILL said, that when he informed the House that the unfortunate young man, whose cruel murder had been alluded to, was his own near relation, he might, he was sure, claim its indulgence for a few moments. He claimed justice upon his cousin's murderers, and he thanked the right hon. Gentleman the Chief Secretary for Ireland for the intentions which he understood him to have shadowed forth in respect of the energetic action which the Government meant to put in force. It was a cruel and wicked murder, for a more inoffensive man could not be found;

he was universally loved, he was of a most genial disposition, he lived a blameless life with his widowed mother and sisters, and the only cause of offence which could be conceived for his murder was that six months back he discharged a farm servant. The House would, he hoped, forgive the emotion which he could scarcely control, and he would only add that he relied confidently on the effective action of Her Majesty's Government, which he had the honour to support, to punish the murderers.

Lord CLAUD HAMILTON said, he had to undertake the painful task to an Irishman of denouncing the remarks of the Chief Secretary as a most lame excuse on the part of the Government. The right hon. Gentleman had spoken lightly of the recent murders in Ireland, and deprecated discussion to-night because there had been many murders in times past, and had denied that the recent events in Ireland could have any connection whatever with speeches made by any leading statesman on the opposite side of the House. He could not agree with the right hon. Gentleman, and would prove the exact reverse. The Chief Secretary for Ireland had endeavoured to palliate the conduct of the present Government by blaming the conduct of the last, accusing them of not having exercised sufficient vigilance; but he distinctly pointed out that these crimes began to be most painfully forced upon public attention during the autumn of 1866; and what else happened at that period? A leading Member of the Government widely spread a document throughout the country containing a malignant misrepresentation of Irish landlords, and telling the people that, if they would have their grievances redressed, they must not look to this country or to this Parliament, but across the Atlantic to the West, if they would have sympathy and aid. That was the tone of some of the speeches of the President of the Board of Trade, and in one famous letter he said—

> "If Ireland were a thousand miles away from us all would be at once changed, justice would be at once done, or the landlords would be exterminated by the vengeance of the people."

The hint of exterminating the landlords had not been thrown away. The date of the letter containing that passage was November, 1866, the very period marked out by the Chief Secretary, and the result had been what one would naturally expect as the consequence of such a declaration thrown among such an excitable people as the Irish. The authors of these frightful outrages feeling themselves aggrieved—from some fancied injury though it be—would at once point to this document and say—"Here is the authority of an influential man for the deed I have done; a man high in Office in the Government has suggested the crime I have committed." Was that the only act of the right hon. Gentleman at that period calculated to excite disloyalty in Ireland? The right hon. Gentleman accepted an invitation to Ireland at this period from a quarter which clearly indicated the character of the demonstration he was about to take part in. The chief promoter of this visit was Mr. Dillon, a man of great energy and ability, but so notoriously disloyal that he had to fly the country in 1848, and a reward was offered for his apprehension; the next leading man in this affair was the hon. Member for Kilkenny (Sir John Gray), who had been described as once "a distinguished inmate of Richmond gaol," having obtained that distinction by acts of disloyalty during the Government of the late Sir Robert Peel, of which the present First Minister was a member; and a third member of the committee of invitation, who was also an hon. Member of that House (The O'Donoghue), had been dismissed by Lord Chancellor Brady from the Commission of the Peace for disloyalty. Was it to be expected that a meeting promoted by such men would have been used for the purpose of promoting the well-being of Ireland and obedience to law? As a matter of fact, the great meeting held at the Mechanics' Institute received the President of the Board of Trade with every demonstration of delight, and in the course of the evening there were shouts in honour of Stephens, who had then recently escaped, and there were shouts for the Irish Republic; but, although he had searched through the reports of this meeting in all the Dublin papers, he had been unable to find a single word of disapprobation of those cheers from the right hon. Gentleman. To all intents and purposes the meeting was a Fenian demonstration. The House had had an ample opportunity of hearing the right hon. Gentleman endeavour to palliate the guilt of the Fenian movement. ["Oh!"] Hon. Members were not in the House at the time to which he referred, and, therefore, when they said "Oh" it merely showed their ignorance. The first exhibition of the sympathy of the right hon. Gentleman and of his desire to palliate the guilt of the Fenian outrages in that House occurred on the occasion of the attempt to plunder the arms in the Castle of Chester. That attempt created considerable excitement in that House and throughout the country, and the noble Lord who then represented Chester (Earl Grosvenor), having received a telegram from the magistrates of that city, stated in that House what he believed to be the facts of the case, and went into details showing an intimate knowledge of all the circumstances that had occurred. Instantly the right hon. Gentleman the Member for Birmingham, influenced by that zeal which he had shown in Dublin, got up in his place, and, without having any special information on the subject, proceeded to contradict the statement of the noble Lord, and to throw ridicule upon it. The right hon. Gentleman said—

> "I confess I do not believe it. But if we are to believe in this insurrectionary movement at Chester as a real thing—that only one-half of those engaged in it are Irish, and the other half English—it would seem that discontent and treasonable intentions were spread among a portion of the English population. I suppose the right hon. Gentleman believes the whole Chester story. I do not believe it."

He need hardly remind the House how completely subsequent evidence confirmed the statements of the noble Lord the Member for Chester, and proved the entire fallacy of the attempted contradiction of the right hon. Gentleman. That was the first public exhibition by the right hon. Gentleman of his Fenian sympathies in that House, but the next occasion was of a far more grave and serious character. The right hon. Gentleman, in order to throw insult upon the administration of the law—upon the most loyal of Her Majesty's subjects—presented a Petition, a most un-Parliamentary, vulgar, and insolent Petition, signed by only eleven persons, one of whom, a few days previously, had insulted public opinion by endeavouring to palliate the murders committed at Sheffield, and by ridiculing the honest expression of feeling on the part of the workmen at Sheffield against those murders. That Petition proceeded to invite the House and the Government to secure the revision of the sentence already passed upon the Fenians, who, in the opinion of the petitioners, had received a sentence of most oppressive and irritating severity; and then, in order to insult a loyal body, because they were opposed to the Fenian movement, the petitioners went on to say that, being justly alarmed by their recollection of the conduct of the English Army and its officers in India, they begged that the House might—

> "Provide that the utmost moderation and strict adherence to the laws of fair and humane warfare may be inculcated on the army now serving in Ireland."

"And," said the right hon. Gentleman, "in the general spirit of the Petition I, in the main, entirely concur." Thus the right hon. Gentleman went out of his way to assume that the noble and glorious and brave British Army wanted his advice lest they should depart from the strict law of humane warfare—he, who had never once raised his voice against the acts of Fenians when they shot men in the back in Ireland—a mode of attack which was invariably adopted by his *protégés* for reasons best known to themselves—was thus eager to attribute to the Army a desire to depart from the laws of fair and humane warfare. But it was one class of morality to condemn the murderous acts already committed by the Fenians, and another, to insult the loyal British Army by imputing to it a desire to commit unworthy actions, for which there was not the slightest foundation. This insult had been offered to the army at the time that not a single life had been lost on the part of the Fenians, and, therefore, it was the more wanton and unnecessary. But his zeal on behalf of the Fenians did not stop there. Most Englishmen were horrified and shocked at that fearful outrage by which numbers of women and children were suddenly hurled into eternity, and others lacerated, deprived of their limbs and sight, many of whom still remained unhappy specimens of the result of that lamentable crime. But not even this outrage could abate the zeal of the right hon. Gentleman, who seized the earliest opportunity of coming forward to show his sympathy with the criminal. He adopted a course which was totally unprecedented. He, who knew nothing about the law, had the boldness to find fault with the decision of the jury, the opinion of the Judge, and the sentence of the law, and to attempt to induce the Home Secretary (Mr. Gathorne Hardy) to waive all precedent, and to allow the trial, which had resulted in the conviction of the prisoner, to be set aside as null and void on some trumpery plea of an alibi, which proved to be entirely fictitious. On that occasion the right hon. Gentleman used these words, which showed that he must have had some communication with the prisoner—

> "I am empowered to say on behalf of those most interested, and on the part of the prisoner himself, that there will be no plea of a former acquittal if that second trial takes place."

It was unnecessary to tell any person at all acquainted with the law that it was impossible that such a course could be adopted. He had merely cited the case to show how warm and active were the sympathies of the right hon. Gentleman in favour of the Fenians. He had given his opinion upon the conduct of the right hon. Gentleman as an Irish Member, and there were thousands of Irishmen who held a similar opinion. They believed that it, from the encouragement shown to the Fenians by the right hon. Gentleman in the way he had described, had induced the Fenians and agrarian assassins to conceive that they had a friend in the Government in the person of the right hon. Gentleman.

Mr. W. M. TORRENS rose to Order. He, with other Members, had listened with great patience to the speech of the noble Lord the Member for Tyrone (Lord Claud Hamilton); but he conceived that there were limits within which the language of hon. Members should be confined. The language of the noble Lord had imputed motives the foulest, the most cowardly, and the most treasonable to the right hon. Gentleman the President of the Board of Trade. He did not rise for the purpose of defending the right hon. Gentleman, who was very well able to defend himself, but with regard to the character of the House, which, if such language were permitted, would be lowered in the eyes of the people of this country.

Mr. DISRAELI: Sir, I rise to Order. I apprehend that when an hon. Member rises to Order he ought to have some specific point. I do not want to express any opinion as to any of the preliminary parts of my noble Friend's (Lord Claud Hamilton's) speech, but I wish to put it to you, Sir, whether, if the hon. Member objected to any statement in that speech, he ought not to have risen to Order on the specific point to which his objection applied. With regard to the particular words on which the hon. Member rose, I apprehend my noble Friend was not at all out of Order, because—without giving any opinion as to the accuracy of the allegation—the allegation was that assassins conceived they had a friend in Her Majesty's Government. Now, that was really not language as to which my noble Friend could be called to Order. I have no desire to interfere with the rights of Members, but I do submit that this power of rising to a point of Order ought to be used with the utmost discretion and precision, and I put it to you, Sir, whether the hon. Member for Finsbury (Mr. W. M. Torrens) is in Order in calling attention to particular passages in the speech of my noble Friend to which he did not object at the time they were spoken?

Mr. W. M. TORRENS said, he had understood the noble Lord to distinctly impute to the right hon. Gentleman the President of the Board of Trade that he was considered by assassins as their friend. If he had made a mistake he would apologize; but he asked for the decision of the Speaker.

Mr. SPEAKER: The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) is perfectly correct in saying that an hon. Member who rises to Order is not at liberty to review the general tenour of a speech, but must object to some definite expression at the moment when it is spoken. I watched with interest, and not without a feeling of pain and regret, the course of the speech of the noble Lord (Lord Claud Hamilton), and I was prepared myself to rise if I thought that my so doing was imperatively called for. Up to this moment nothing has occurred which seemed to make it absolutely necessary for me to interfere.

Lord CLAUD HAMILTON said, that what he had stated was that the impression on the minds of the assassins was such as he had described. He had not said that that was the fault of the President of the Board of Trade. He had imputed nothing to the right hon. Gentleman. All that he had said was that certain acts of the right hon. Gentleman had had the effect of conveying a certain impression to the minds of the ignorant and excitable peasantry of Ireland. He wanted to illustrate the great danger there was when men in the position of the right hon. Gentleman allowed themselves to be carried away, as he had been, on Irish questions. By the way in which he was believed to have palliated the crimes of the Fenians, and thrown around them the shield of his eloquence, the right hon. Gentleman certainly did create the impression that he regarded them in a friendly light. The right hon. Gentleman in the Chair had said that he heard certain portions of his (Lord Claud Hamilton's) speech with regret. It had been most painful to him (Lord Claud Hamilton) as an Irish Member to be obliged to say what he had said; but he did not think that the subject had been treated in a sufficiently serious manner by the only Member of the Government who had spoken. He (Lord Claud Hamilton) did not come there to exchange compliments, and to make things look smooth—that he considered to be fraught with the greatest danger to his country. He should never shrink from expressing his opinion of what had been the irritating cause of the unhappy social condition of Ireland, and he believed, in his conscience, that the course which the right hon. Gentleman the President of the Board of Trade had felt it his duty to take had been the source of the greatest mischief.

Mr. BRIGHT: Sir, I regret, and I think I do so in common with other Members of the House, that the noble Lord who has just addressed the House has departed so widely from the tone and temper manifested by the noble Lord the Member for King's Lynn (Lord Stanley). The noble Lord the Member for King's Lynn, in a speech that I can say with the most perfect frankness and sincerity I think was a speech fitting to the occasion, showed that he, at least, can view this great question without passion, and can look to Members of the House who sit on this side and have taken a warm interest in Irish affairs, and probably believe that they are as earnest and as well-intentioned as himself. The noble Lord the Member for the county of Tyrone has taken a very different line, and, I think, for his own case, a very unfortunate one; because if, during his speech, any one had entered this House, and heard for the first time about this great Irish question, that person would have supposed that I was the author of all the miseries of Ireland, and of the embarrassment in which the House and the Government find themselves at this moment. Surely, the noble Lord is old enough to know that this was a great question before I was in the House—before I had ever spoken on Irish affairs, and, in fact, before either he or I came into the world. In those times this Irish question was, at least, as grave as it is now; and men debated in the House of Commons and elsewhere, as they do now, what remedy ought to be applied; and I dare say there were hon. Gentlemen in those days who, like the noble Lord to-night, endeavoured to show that some particular individual was the cause of this great calamity. For myself, I call the House to witness, and I call the noble Lord to witness, that, from the first moment when I felt called upon to speak on the Irish question, either in or out of Parliament, I described the maladies of Ireland in the same language, and called on Parliament to apply the same remedies. I do not pretend to say that any particular landlord, or any particular number of landlords are responsible for the miseries of Ireland; but I said before, and I say now, that there can be no peace in that country, and no settlement in that country, till the population by some means or other—I am prepared to propose a means, and I believe it can be done without injustice to any man—are put in possession in greater numbers than they are now of the soil of their own country. I observe that, when the question which the hon. Member for Liverpool (Mr. Graves) has brought before the House this evening comes to be discussed, Gentlemen opposite often discuss it as if they only were sensible of the mischief, and as if on this side we had no sympathy with the miseries of the country from which some of them come. Now, I am as anxious as they are—the present Government is as anxious as the late Government was, the present Chief Secretary for Ireland is as anxious as the previous Chief Secretary for Ireland could have been—that the realm over which he rules should be a credit to this Empire. But nothing can be more ignorant or more childish than to imagine that for this malady of Ireland there is an instantaneous specific. We all wish for the suppression of agrarian crime in Ireland, but what could the late Government do for its suppression? If you can make no discovery of the murderer—if you can obtain no evidence—if you can have no verdict—if you can pass no sentence—of course there can be no punishment. How can you make a discovery, how can you produce evidence, how can you secure a trial to bring these criminals to justice? That murder should be committed is bad enough; but a still more terrible thing, and a thing not a little significant, is this—that throughout considerable districts in Ireland there is a state of opinion so depraved, or so hostile to the law, or so regardless of human life, that all the powers of the Government are baffled in endeavouring to grapple with this sore evil which afflicts the country. The malady has been of longer standing than the lifetime of anyone in this House. There has been no writer on Ireland for the last 200 years who has been dispassionate and impartial—who has not pointed to that malady; and some of them have suggested remedies which have not been applied. Now, what is to be done? It is not a case for panic. I have known many more crimes committed in Ireland during the twenty-five years I have been in this House, during a given period, than even those which have been stated this evening; and in speeches delivered by statesmen at a more remote date I have found details of similar facts in regard to Ireland. I could show the House that outrages, murder, and violence of almost every kind were more frequent in those times than they are now. I am not saying anything to justify what is occurring now, nor am I asserting that the present condition of things is not serious, and calculated to cause us very deep regret, but what I do say is that this is not a case for panic. It is a case which ought to make thoughtful men think more, which ought to make us ask ourselves whether there is not something in the past policy of the Imperial Parliament towards Ireland which is wrong and which requires a patient and resolute remedy. There is no country in the world in the same condition as Ireland. You cannot find any other country of Europe in which a similar state of things exists. You must ask yourselves why there is in Ireland a state of things so different from any which exist elsewhere. We know that the people of Ireland have many virtues. We all acknowledge that. [An hon. MEMBER made some exclamation.] I believe we all admit it. I do not suppose the hon. Gentleman disputes it, though he makes an exclamation. They have many virtues; vast numbers of them are unconnected with crime of any kind; vast numbers of them are unconnected with disloyalty of any kind; and yet it is a fact that throughout the country there is a malady which pervades whole districts, in which the people are hostile to the Parliament of the United Kingdom and the social system under which they live. What is the duty of the Government in a case of this nature? In past times, since I have been in Parliament, I have spoken occasionally upon this Irish question. In 1866, when my right hon. Friend now at the head of the Government was Leader of this House—I speak of the time of the Government of Earl Russell—I was sitting there (pointing to the second Bench below the Gangway); and when my right hon. Friend the Member for Morpeth (Sir George Grey) brought in a Bill for the suspension of the Habeas Corpus Act, many hon. Members will recollect that I addressed the House on that occasion. What did I say? I pointed to the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), and I told his supporters how much he was a man of genius and political knowledge. I pointed to what he had said twenty years ago upon this question, and I argued with him — with his conscience, if you like—that he comprehended this question, and that it was his duty to subject all party prospects to the restoration of peace in Ireland. I then turned from the right hon. Gentleman to my right hon. Friend, and I addressed the same language to him. I told the two parties in this House that they had at their head men whom they might follow, not only without discredit, but, as far as genius and mental power went, with the most implicit confidence; but I said further—"If you sit on these Benches and profess to be statesmen, and if you see this condition of Ireland, and year after year you suspend the Constitution, and yet have nothing to propose, no remedy to offer, then" I said—"you are clerks, and not statesmen. You should come down from the high position which you occupy, and you should acknowledge that the great Irish question is one with which you are powerless to deal." Well, out of the House I have spoken in the same terms. The noble Lord (Lord Claud Hamilton) has spoken of the banquet which I attended in Dublin about three years ago. He said that I was invited over by Mr. Dillon, who had himself been charged with disloyalty, and by an hon. Member of this House, who had also been prosecuted for disloyalty, and by another hon. Gentleman, who had been removed from the Commission of the Peace. Sir, I was invited to that banquet by no less than twenty-two Irish Members of Parliament, and I venture to say of Mr. Dillon—of whom the noble Lord spoke with something like contempt—that he was one of the most honest and patriotic statesmen of this House. I know that he was one of those who were concerned with the present Attorney General for Ireland (Mr. Sullivan) in drawing up the Land Bill of 1866; and when that Bill—so moderate in its nature—was denounced and rejected by hon. Members opposite Mr. Dillon said that nothing which had ever happened in his life had caused him so much grief, as he believed that—looking to the mode in which that Bill had been treated—all hope of anything like justice to the tenantry of Ireland must be given up, so far as regarded the temper and legislation of the party opposite. Well, I went to the banquet of which the noble Lord spoke.

Lord CLAUD HAMILTON: It was not of the banquet I spoke, but of the meeting which followed it.

Mr. BRIGHT: The noble Lord spoke of the meeting in the Rotundo, and the banquet was held in the Rotundo.

Lord CLAUD HAMILTON: I was referring to the meeting at the Mechanic's Institute, in Lower Abbey Street.

Mr. BRIGHT: But the noble Lord also spoke of the gentlemen who invited me. Twenty-two Members of Parliament invited me to a banquet at the Rotundo, which I attended, and two days afterwards I attended a political meeting—the first of its kind, I believe, held in Dublin, since the days of O'Connell—and this was held in some room in the Mechanic's Institution. It is true, as the noble Lord says, that one man—I am not sure that there may not have been two—did venture on some ejaculations of the kind he has mentioned. Well, but that meeting—as far, at least, as the period during which I staid there—was a very satisfactory meeting. I did not expect to convince everybody there that I was right, for I have repeatedly spoken to the noble Lord, and in his presence, without affecting his conclusions. The noble Lord said that I held out expectations to them that their regeneration was to come from the West. Nothing is more utterly untrue. What I said was this—that it is one of these deplorable things connected with Ireland—such is that great malady, and so entirely has it poisoned the minds of many of the people—that instead of looking for a remedy of their grievances to the natural source—namely, the Imperial Parliament, in which they are represented—they look to the country of the setting sun. I will not repeat the passage to which the noble Lord referred, for I could not do so accurately; but I am sure if the noble Lord refers to it again he will altogether acquit me of having even suggested that they ought to look to the West for assistance. The noble Lord read a letter which I wrote—a private letter to a gentleman in the South of England; and it was without my consent, and, as the noble Lord may suppose, very much to my regret, that the letter so written was published. But to the main argument of that letter I adhere. I say that the condition of things in Ireland which has existed for the last 200 years, for the last 100 years, or even for the last fifty years, would have been utterly impossible if Ireland had been removed from the shelter and the influence and the power of Great Britain. I repeat that, if Ireland were unmoored from her fastenings in the deep, and floated 2,000 miles to the westward, those things which we propose to do—which we offer to the House in this Session, and which, in all probability may be offered to the House in the next Session, would have been done by the people of Ireland themselves, and that if they had become a State of the American Republic under the constitution of that country those things would have been done. The noble Lord referred to—what shall I call it?—the Petition which I offered to the right hon. Gentleman (Mr. Gathorne Hardy) when he was Secretary of State for the Home Department, with regard to an unhappy man who was under sentence of death, and he said that this showed I had direct communication with the man who fired the barrel at Clerkenwell prison. Why, Sir, a countryman of the noble Lord's, who was counsel for the unfortunate man, was at the door of the House, in the Lobby that evening. He made representations to me on this case; he, at that time, I believe, was convinced that the wrong man was in prison, a convict, and he begged me to endeavour, at the last moment, at least to postpone the execution till a further inquiry could be made. The noble Lord says I asked for a thing unusual and unknown in asking for a second trial. But surely the House will remember that the right hon. Gentleman the Secretary of State for the Home Department, in the due performance of his grievous duty, placed the whole of the documents connected with that matter in the hands of the Lord Chief Justice, and elicited from him a decided opinion that the trial was fair and the sentence just, and that there was no reason in the eye of the law for a commutation or postponement of the sentence. Sir, I have no objection to bear the blame of any man who tells me that I am unduly interfering when, by an appeal to the Secretary of State, I may possibly save the life of a man who may be innocent, or, at least, is not known to be guilty. I am against capital punishment, whether it be for Fenianism or for any other offence; and, therefore, I had a double reason for making the appeal which I addressed to the right hon. Gentleman—an appeal which the right hon. Gentleman himself did not impute to me blame for making, in the answer which he gave to the question. Now, Sir, with regard to the real question of this evening—from which, perhaps, I ought not to have departed—I say that there is no case for panic, but that there is a case for deep thought; and I think there is a case that should induce every man on both sides of the House to consider whether it be possible, in the course of the coming Session of Parliament, to apply a remedy to this great grievance of the land. No man is fit to make laws, no man can deliberate upon them with any advantage, if he is not capable of observing the breadth and greatness of the evil, and that it requires both patience and wisdom in the application of a remedy. You cannot, by instantaneous votes of Parliament, or the edicts of a monarch, remove the great evils that have grown up during centuries of error and of wrong. I make no pretence whatever, in sitting upon these Benches or as a Member of this Government, to be able by my uplifted finger to tell the Irishmen that their miseries shall cease. But I say that the time has come when acts of constant repression in Ireland are unjust and evil, and that no more Acts of repression should ever pass this House unless attended with Acts of a remedial and consoling nature. I would not for a moment sit on these Benches as a Member of this Government, and agree to any of those measures which are hinted at by Gentleman opposite, if I did not feel that, at the same time, we are honestly and energetically offering to Parliament propositions which we believe will, in time, effect a great and salutary change in Ireland. At this moment it may be said, and I doubt not it is true, that what we are doing with regard to the Church—and what the House is consenting to by so large a majority—may not affect this question of agrarian outrage. No man, I believe, ever thought it would. The men who are concerned in these outrages are men to whom, probably, any appeal made from me would be useless. But I do believe that what Parliament is now engaged in doing, and that to which Parliament looks forward, will affect the opinions of vast numbers of the Irish people, and will withdraw their sympathy from the few who approve and the still fewer who commit the crimes which we all lament. If my voice could reach to any man in any Ribbon lodge, in any secret committee, in any dread tribunal of this fearful and hidden vengeance, I would tell him that no man at this moment is a greater enemy to his country than he is. For once—for the only time in the history of the Union between Great Britain and Ireland—there is a Parliament which is willing to do justice to Ireland. Whether it be on the question of religious equality, or whether it be with regard to the security of the property of the tenantry, or whether it be with regard in some degree to the restoration of a native proprietary in Ireland—I believe at this moment a Parliament is assembled which is anxious, as I believe it is able, to do greater justice than any previous Parliament has done. But the noble Lord (Lord Stanley) asked a question which I myself will not answer, because I think it was hardly a fair question to ask. I would not ask the right hon. Gentlemen on that Bench whether they were going to take away the land of the landowners —I do not suspect statesmen in this House of the intent to do things so wrong and so unjust as that—and therefore—and that is the only fault in the speech of the noble Lord—I think he need not have asked of my right hon. Friend whether that was a policy to which the Government was committed? I have stated before in this House, and elsewhere, that no proposal whatsoever with regard to the land of Ireland that I would not support if I were myself an Irish landowner shall have any sanction from me. I believe the policy of our law with regard to land in Ireland has been destructive and fatal to the true interests of the landlords. Your present condition shows it: it would have been better for you fifty years ago to have lost half your estates if by that means you could have given content to the people and security to the remaining half. I will trust to the absence of passion and of party feeling in hon. Gentlemen opposite, and hope they will judge us fairly; and I believe that they who live, twenty years to come, to look back to the policy of this Government with regard to this great question, will say we acted not only according to our light in this matter, and with the most honest intention, but with a wisdom which all that has succeeded has demonstrated to be political wisdom of a high order in connection with this question.

Lord JOHN MANNERS: Sir, the right hon. Gentleman the President of the Board of Trade has declined to give an answer to the question which the noble Lord (Lord Stanley) put to the Government; but, in more than one part of his speech, he has indicated the tendency of what he calls the remedial measures which the Government, at some fitting season, will be prepared to apply to the tenure of land in Ireland. The right hon. Gentleman, in a sentence which will go forth to-morrow from one end of Ireland to the other, told us that he already had in his possession, and that at a fitting season he would submit to the consideration of Parliament, a measure which should place, to a greater extent than at present, the population of Ireland in possession of the soil of that country. The right hon. Gentleman proceeded to say he would not indicate to the House the means by which that consummation should be arrived at. What will the Irish people think when they read this declaration on the part of the Government? Is this declaration calculated to allay suspicion and alarm —calculated to dispel illusion on the question of land tenure—calculated to give the ill-informed, ill-instructed, sanguine and easily-deluded people of that country sound, just, and moderate views as to the remedy which Parliament in its wisdom may hereafter be disposed to apply to the evils complained of? More than that, the right hon. Gentleman wound up his speech with a declaration that the Government are prepared to propose a measure which shall establish a peasant proprietary in Ireland. I say that my noble Friend (Lord Stanley) was justified in putting the question he did to the Government before the speech of the right hon. Gentleman; but, after that speech, it becomes of vital and essential importance to the peace and prosperity of Ireland that the Government should no longer shelter themselves behind these vague and delusive statements of the right hon. Gentleman, but should let the whole country know what is the principle on which they are prepared to legislate with respect to the land of Ireland. If any vindication was necessary, and none was, of the conduct of the hon. Member for Liverpool (Mr. Graves), in bringing forward this question, we should find it in that most remarkable and, I do not hesitate to say, dangerous, speech of the President of the Board of Trade. He only followed in the wake of previous speakers in assuming that danger to life in Ireland is wholly connected with the land question. But I have received information from Ireland, which, I may assume, others are in possession of, that this terrible system of secret violence and assassination has passed out of the domain of pure agrarian violence and complaint. It is now a lamentable fact—as indisputable as it is lamentable—that it has entered into every relation between employer and employed. I believe that now, in certain districts of Ireland, there is no tenant farmer, however humble, who dare dismiss for any cause, however just, a ploughboy or a hind; there is no railway manager who can venture to dismiss a porter; there is no tradesman in a small town who dare dismiss an assistant; there is no employer of labour in certain districts of Ireland who can dismiss any one of the people whom he employs without fear of terrible consequences to himself. I believe that that is no exaggerated description of certain districts of Ireland; and that being their condition, the hon. Member for Liverpool discharged a painful, but a most necessary and important duty, in bringing the condition of these districts under the notice of the House. What was the reply of the Chief Secretary for Ireland? Simply that a large force of constabulary would be sent to the districts in which outrages took place, and that the Lord Lieutenant would use all the powers at his command to repress crime. No one can doubt that the object of sending a special force of constabulary into disturbed districts is most excellent, but I question whether the results will be so satisfactory as the right hon. Gentleman expects. Is there any reason to believe that a single assassination has been prevented, or that a single assassin has been apprehended in consequence of the sending of constabulary into disturbed districts? No doubt it has caused inconvenience and annoyance to the inhabitants of these districts, innocent as well as guilty; and I would ask whether within the last few days there has not been received a memorial signed by many of the respectable inhabitants of Mullingar, requesting that the force stationed there may be withdrawn? In practice, this provision has produced very small results, and if the Government rely on it for the prevention of assassination, they will be grievously disappointed. If the Government, as I understood from the First Minister, are considering whether some further legislation ought not to be proposed, I would not offer any suggestion until we have their proposal before us; but I have heard with pain and regret from the right hon. President of the Board of Trade that, for his part, he thought that measures of the kind contemplated ought never to be proposed unless they were accompanied with compensating measures. Compensating measures to whom? [An hon. MEMBER: Consoling measures.] Consoling! To whom? To the assassinated or the assassin? What every man imbued with feelings of common sense and humanity wants is that crime shall be prevented and detected. The right hon. Gentleman tells us it will be years before we can undo the wrong and repair the mischief of past centuries. Doubtless, it is so; but are we to sit still and hold our hands, and see our innocent fellow-subjects assassinated because, as the right hon. Gentleman says, it is improper to take any measures for the repression and prevention of crime unless you can accompany them with what he calls compensating and consolatory measures? I have thought it right to make these comments, which have been suggested to my mind by the speech of the right hon. Gentleman the President of the Board of Trade, because I am convinced that, beneficial in many ways as this debate may be, statements such as those made by the right hon. Gentleman, going out as the deliberate opinion, not only of an important Member of the Government, but of the Government itself and the House of Commons, would be calculated to do infinite mischief, and to add still more to the anxiety and uneasiness which at present prevail in Ireland.

MR. GLADSTONE: Sir, I think the general feeling of the House must be that the discussion of an Irish question, and particularly that which relates to the security of life and property, ought to be conducted with great seriousness and earnestness of purpose; but, if possible, without heat, and with a careful avoidance of exaggeration. And even those who sit opposite, I think, must have been struck with the singular contrast in that respect between the two speeches which have proceeded from that (the Opposition) Bench. I do not think that the undoubted earnestness of the speech of the noble Lord who has just sat down would have suffered the slightest disparagement if he had been content with that moderation of tone and statement of which he had an admirable example before him in the speech of the noble Lord the Member for King's Lynn (Lord Stanley.) The noble Lord (Lord John Manners), misled by his excited feelings, has really—as I am sure he will himself see on reflection — misapprehended much that has fallen from my right hon. Friend the President of the Board of Trade. The noble Lord evidently believes that my right hon. Friend declared that he was not prepared as a

Minister to be responsible for measures necessary for the security of life and property, unless measures remedial of the old political evils of Ireland were at that very moment applied. Now, Sir, in the first place, even if that had been said, the condition is fulfilled, because, so far as our power goes, we have undertaken, and we are engaged in the endeavour to apply remedies to the political evils of Ireland. But the plain meaning of the speech of my right hon. Friend was this—it had nothing whatever to do with measures for the defence of private life and property—the declaration was that he would be no party to measures of political repression which were not accompanied with, and—if you like—balanced by measures of political relief. Well, the noble Lord has taken the utmost alarm at the declaration of my right hon. Friend with respect to what the noble Lord called a peasant proprietary — although my right hon. Friend used no such expression—at the reiteration of my right hon. Friend tonight of an opinion which, in this House and elsewhere, he has been long known to entertain; and the view which he holds with more sanguine anticipations than many who sit on this side of the House, that the arm or resources of the State may be used for the purpose of breaking up, in part, the masses of property in Ireland, in order to try, as it were, the experiment of small proprietorships in that country. But when my right hon. Friend has given utterance to opinions of that kind—whether he be right or wrong in the wisdom of that measure as a measure of political economy, at least it must be admitted that he has done his best to divest the proposition of a revolutionary character by taking care to accompany it with a declaration that he never would be one to propose any measure of that description, unless it were of such a character as, if he were an Irish landlord himself, he could cordially support and approve. I do not say such measures are desirable—that would be prejudging the question; but this I may say—that such plans and anticipations have no need to excite the exaggerated alarms of the noble Lord, and to induce him, in tones almost of thunder, to declare that these sentences of my right hon. Friend, re-producing what he has been long known to think, and, therefore, almost, perhaps, open to the charge of commonplace, were to produce some electric effect on the state of society. I myself, in a speech last year, which, I believe, shocked nobody, did refer to the Church question in Ireland, and to the fact that the Church question, if effectually dealt with, might very possibly have this result, among others, of placing in the hands of the State a considerable portion of land, and enabling the State, if it were thought fit and wise, to make a perfectly innocent experiment in regard to small proprietorships in Ireland. Although sufficient objections were undoubtedly taken to some parts of that speech, I do not recollect that the noble Lord or any other nervous politician expressed the slightest terror at the prospect thus opened up to Parliament. Now, with regard to the Motion of the hon. Member for Liverpool (Mr. Graves), although I regretted at the moment that he did not feel himself able to yield to the appeal made to him, I must admit the studied moderation of tone with which he handled the subject. I must say of all questions I know this is one which it is our absolute duty to approach with the severest self-repression. There is much of emotion that may be naturally felt—nay, there is much that may be nobly and generously felt, which it would be wise and almost imperative to restrain when we come to consider measures connected with the social condition of the country, and with relations involving not only property but life in the case of a community whose state unhappily is so morbid, and so inveterately morbid, with respect to such questions as is the case in Ireland. The hon. Member for Liverpool referred in terms of implied censure, though of caution and moderation, to declarations made by Members of the Government, and among others, to a declaration made by myself, in which I gave utterance to the opinion that the land question in Ireland—that is to say, the circumstances and incidents appertaining to the system of land tenure were a branch of the great question of Protestant ascendancy in that country. That was not the first time in which I had given utterance to such an opinion. I had ventured to express the opinion that it is the question of Protestant ascendancy that has entered into, and pervaded, and aggravated and poisoned, if I may so say, at every point the relations that prevail between class and class in Ireland. Nor can I admit that, in dealing with the Church question, we are not, in a certain sense, dealing with the land; for it has been the maintenance of Protestant ascendancy, in the form of the religious Establishment, which has been one great and paramount cause of the mode in which the power of the landlord has been used, and his relations to his tenant have been habitually and vitally affected by that which, in its first aspect, seems only to be a religious or ecclesiastical question. I cannot, therefore, shrink from the words quoted by the hon. Gentleman. He will perceive that in these words, and in the expression of that opinion, I have said nothing that tends in the slightest degree to shake either the general principles of property or the actual state of possession and settlement in Ireland. With respect to the speech of the noble Lord the Member for King's Lynn (Lord Stanley), the only criticism that I have to make upon it is this—that I think he anticipates a great deal too much from any declaration that can be made by the Government with respect to the treatment of the land question. The noble Lord said it would be perfectly easy to make a statement that would, on the one hand, satisfy moderate and reasonable expectations, and, on the other, dispel all wild and dangerous imaginations on the subject of the land. Now, in the first place, I would point out to the noble Lord, and I think he will agree with me, that there is considerable mistrust and misgiving attaching to the reception of representations on the part of the Government which are manufactured for the purpose, and I would much rather prefer, and with the leave of the House I will refer in preference to what I have presumed to say on a former occasion to this House than attempt to form a creed or lay down in new phraseology a line of action, as if suggested by the circumstances of the present moment. It is desirable in all cases, and especially in the case of Ireland, to avoid having our measures suggested either by panic fear, or by the momentary occasion. We should, on the contrary, rather seek to found them on principles agreed to in periods of calm, and capable of being vindicated by the great and general rules of justice. With regard to the noble Lord's views on the land question, I would turn to practical account the question of this evening by observing that I hope we may now register, as a matter which may in future be taken for granted, the declaration of the noble Lord, that the principle of compensation for tenant's improvements if real, and even though the previous consent of the landlord had not been obtained, has been admitted and recognized on both sides of the House. [" No ! "] That, I understand, was the declaration of the noble Lord, and I wish to repeat it in his presence, in order that there may be no mistake in the matter; because it is desirable, in a political as well as any other journey, that we should note the stages. What we now receive as an admitted principle was three years ago a matter of fierce and obstinate contention; for, when the Chief Secretary for Ireland introduced his Land Bill in 1866—that most carefully studied and moderate measure, and I shall always think it did the highest credit to the popular party in Ireland to make themselves responsible for its general acceptance in that country—when that Bill was introduced, offering such an opportunity for the satisfactory settlement of that question on simple and easy terms, such as Parliament never had before and possibly may never have again, it was met by a noble Lord (the Earl of Mayo) who has now received a high office as the reward of that and other political labours, who moved a Resolution to precede and supersede the second reading of the Bill, binding the House to the opinion that no improvements made by the tenant could be recognized, except those which had received the previous consent of the landlord.

Lord STANLEY: Allow me to say that I did not enter into this question as to whether the previous consent of the landlord was required. What I said was in general terms, that the principle of compensation to the tenant for unexhausted improvements was recognized. But on the point now raised I expressed no opinion, because I do not think it desirable to do so until we have the matter fairly under discussion.

Mr. GLADSTONE: It is with surprise, as well as regret, that I hear that explanation, because the noble Lord appears to me now not only not to be making good what I had hoped was the spirit and intention of his words, but to be shrinking from his own acts; because when he was in Office in 1867 he was a Member of the Government that proposed a Bill on this subject, and which recognized the principle of compensating for improvements made by the tenant without the consent of the landlord. The noble Lord, of all men living, I will not say would have been entitled to support the Motion of Lord Naas in 1866; but he would have been entitled to support the Bill of Lord Naas in 1867, if hereditary principles and ideas are good for anything, because the text-book of all the principles on which Liberal Governments have endeavoured to proceed in this House for tens of years past is to be found in the speech made by Lord Derby in 1845, shortly after the period of the Devon Commission, and in that speech were contained strong and clear declarations in favour of the principle of compensation for tenant's improvements apart from the landlord's consent.

Lord STANLEY: All I meant by my disclaimer was, that on this particular occasion, and in this particular speech, I have not given that rather definite and binding pledge. Upon the question which the right hon. Gentleman has raised I reserved my opinion. It does not follow that I do not agree with him. I only object to be bound by that which I have not said.

Mr. GLADSTONE: I hope that when the noble Lord makes up his mind he will recollect the Bill of 1867; and that to-night the whole gist of his speech was that we had now at length got over the difficulties of the question with respect to compensation for unexhausted tenant's improvements, it being an unquestioned fact that the main difficulty with regard to them has always turned on the question whether the previous consent of the landlord should be required. With regard, Sir, to the condition of Ireland, I do not think it desirable to enter at length upon its consideration at the present moment. I agree with my right hon. Friend the President of the Board of Trade that he must be a sanguine man who can think that great and palpable results, in the direction of good, can be realized in a moment, after the errors and perverseness of so many generations have accumulated such a mass of mischief and so inwrought it into the whole structure and composition of society in Ireland. We have no right to expect this. When there is one of these periodical outbursts of this ancient, inveterate, and profound disease, the subject appears to be too often noticed in this country—not in this House alone or in this House principally—in a tone of excitement which gives rise to the belief that people are under the strange delusion, that by some manifestation of indignation in this country at the crimes of misdoers, and of all those apprehensions and susceptibilities which so naturally and so strongly attach to the possession of great properties, we can really do something for the mitigation of these outrages. It is not by such manifestation, or by the sanguine anticipation of the immediate results, that we can hope to achieve anything of good. But when I say this do not let me be supposed to relax the imperative and unvarying obligation of the Executive Government at all times and under all circumstances—and wholly apart from the question of political remedies—to use every effort in their power, upon their own responsibility—whether by the employment of the means which the law affords, or if necessary, by coming to Parliament for the augmentation of those means—to give security to life and property in Ireland. With respect to the declaration from the Government of which the noble Lord spoke, and from which he anticipated, I think, too much, I have looked back to the debate of 1868. In that debate, opinions were declared which have been often—almost nightly—quoted in the course of our discussions on the Irish Church; and which have been not unfairly treated as being the advised and deliberate declarations of the views taken by my right hon. Friends and by myself upon the great branches of the Irish question. I will, therefore, so far as I am concerned, answer the noble Lord in regard to the land question out of the speech which I made on the 16th of March, 1868. At that time much interest was felt with respect to a plan propounded by Mr. Mill, then, but unhappily not now, Member for Westminster. I then said I owned I was one of those who were not prepared to accompany the hon. Member for Westminster, notwithstanding the powerful and weighty statement with which he supported and introduced his proposal for what appeared to me to be the dismissal of the landlords of Ireland. It seemed to me that the great object was to give the tenant full security that the proceeds of his labour and capital should always be his, unless he covenanted to part with them. Legislation to that end, if simple and effective, would have a very powerful tendency, at any rate to secure stability of tenure, and make wanton disturbance by a landlord a difficult and, perhaps, a costly matter. I stated that I was still not ashamed to say that I shrank from attempting to procure direct legislation for fixity; at any rate, I added, I should much wish to see what consequences would flow from the frank recognition of the principle of perfect security to the tenant for the proceeds of his capital and industry expended on the soil; because I thought that a fixity of tenure, so far as it would be beneficial, might result from the operation of that principle. I argued on that occasion on the difficulty of attempting to introduce, by law and direct enactment, a system of leases in a country not accustomed to it, however different it might be in a country where it is a natural growth, or has obtained a solid footing. I think these passages may, in some degree, meet the view of the noble Lord. At the same time I am far from attaching to them the weight, or supposing they would have the influence, which the noble Lord was inclined to assign to a declaration made by the Government on this subject at the present moment. We desire, if possible to bring about a state of confidence and loyalty in Ireland in lieu of the state which now prevails, a state where confidence is almost absent, and where —I will not say loyalty is absent—for it would be a gross injustice to a very large portion of the population to say so; but where, among a part of that population —through misfortune possibly, rather than through fault—loyalty is undoubtedly wanting, and among another part it has cooled to a tone far different from what we regard as the natural and healthy frame of mind for a subject of the British Throne. I trust that confidence in the Throne is not impaired in Ireland, or, at least, has not disappeared even in the least well-affected portion of the community. Those bursts of affection with which every Royal appearance in Ireland is greeted are, I am satisfied, not feigned, but sincere and genuine. Moreover, I am certain they proceed from the very root of the Irish nature. But confidence in the law in Ireland has been greatly impaired and weakened; and confidence between class and class is likewise unfortunately far from what we wish it to be. I would recall a remarkable and most instructive passage, delivered by Sir Robert Peel in 1846—I will not quote it in detail, because it is not wholly suited to this peculiar juncture—but I will say to hon. Gentlemen connected with Ireland, in the sense of that passage—"Do not too much rely either upon Executive authority or upon Parliamentary legislation, but trust, and trust largely, to what can be done by individual influence. Patiently exercise your influence for good and accompany the fulfilment of your local duty by a study to restore those bonds of affection between man and man which are now, unhappily, too feeble. Then you may leave it to Parliament and to the Executive to support, as they can, those social and, I hope, connected efforts." The occupiers of the soil in Ireland may naturally look forward—as I hope—to the most energetic and the most careful efforts of Parliament to apply to their condition remedies which I must say it is matter of scandal and discredit to us that we did not apply, at least, after we became acquainted with the facts a quarter-of a century ago. In conclusion, I thank the noble Lord for the frank admission he has made that, if we had undertaken to cap the great task, in which we are now engaged, in respect to the Irish Church with another equally great task, we should not have made real progress towards the end we have in view; but, in our attempt prematurely to secure the success of both our designs, we should, on the contrary, have procured the unhappy result of a joint and signal failure.

Sir THOMAS BATESON said, he rejoiced that the First Minister of the Crown had not declared for fixity of tenure, though he had attempted to palliate the atrocities which now took place every day as the result of former misgovernment as he had chosen to term it. The right hon. Gentleman the President of the Board of Trade had stated that he saw no cause for panic; but if he lived in Tipperary or Westmeath he would probably take a different view of the matter. He wished to remind the House that the President of the Board of Trade had not disowned any of the quotations which had been made from his speeches and letters by the noble Lord the Member for Tyrone (Lord Claud Hamilton); and he thought the right hon. Gentleman should bear in mind that the speeches he made in this country were reprinted in the Irish newspapers, read by every peasant and every tenant-farmer in his home, and treasured as the programme of what the present Government were going to do. Only the other day a friend in Tipperary told him that the right hon. Gentleman's speech at Edinburgh, delivered just as the right hon. Gentleman was on the eve of becoming a Cabinet Minister, and in which he denounced the Irish landlords as aliens and foreigners, was re-produced in the *Tipperary Free Press,* and within one week from its appearance Mr. Baker was foully murdered within a stone's throw of his hall door. He did not mean to say the right hon. Gentleman made that speech with a view of inviting such an act as that; but he maintained that every speech of that kind was fraught with danger to Protestant landlords in Ireland. Nor had the Secretary of State for the Home Department denied the accuracy of the passage quoted by the hon. Member for Liverpool (Mr. Graves) from his speech at Merthyr Tydfil. It was therefore clear that the right hon. Gentlemen on the Treasury Bench were responsible for the frightful state of things at present existing in Ireland. When they assumed the reins of Government the Fenian outbreak had succumbed to the firm but lenient action of the late Government, but their taking Office had been followed by the murder of Mr. Baker and a series of atrocities unprecedented in the annals of the country. To show the effect of the ill-judged speeches of prominent Members of the Government, he would mention an incident of the other day. A Roman Catholic proprietor was told by his Roman Catholic tenants that they felt themselves hardly dealt by; and on inquiring the reason they answered that it was notorious Mr. Bright was going to give the land of the Protestant proprietors to their Roman Catholic tenants, and they thought it hard, because they happened to have a Roman Catholic landlord, they should not be treated with the same generosity. Under these circumstances he counselled the House not to permit the Government to proceed with any measure until it had explicitly declared its intentions with regard to the land question. The statement of the Chief Secretary for Ireland had been most unsatisfactory. If the Government could not cope with the present state of things with the powers which they possessed, it was their duty to ask for further powers. There could be no happiness without prosperity, no prosperity without confidence, and no confidence without law and order. The great want of Ireland was capital, and how could they expect to see capital introduced into the country while those frightful atrocities were being perpetrated? Since the Irish Church Bill had been brought forward he had heard several capitalists say that they did not believe property could be more insecure under any Government than it was under the Government over which the right hon. Gentleman the present First Minister presided. The late Lord Palmerston had predicted that if the right hon. Gentleman should ever succeed to Office he would ruin the country in three years by plunging it into revolution; and he (Sir Thomas Bateson) very much feared that that prophecy would be fulfilled, and that the right hon. Gentleman would ruin Ireland in much less than that time.

Mr. Serjeant DOWSE said, he thought a long discussion had been raised upon a very small point. No one, however, could find fault with the manner in which the hon. Member for Liverpool (Mr. Graves) had brought the subject before the House. He would not by any lengthened observations prevent the Government from going on with the debate on the Irish Church, and thus giving hon. Gentlemen opposite the consummation they so devoutly wished for that evening. He thought it was no friend of Ireland who had that evening introduced the question of crime in Ireland, and no friend of the union which ought to exist between the two kingdoms. No friend of Ireland ought to have given a party complexion to a question which ought to be discussed by both sides in a spirit of fairness and with judicial calmness. As a Protestant Irish Member he would say, not without fear of contradiction—because there were hon. Gentlemen opposite who would be sure to contradict him, but without fear of successful contradiction—that the speeches of the First Minister of the Crown and the President of the Board of Trade had alleviated and not increased the evils of Ireland. They had been messages of peace, harmony, and conciliation. It had been said that the President of the Board of Trade had been invited by disreputable persons to the great banquet given to him in Dublin. He himself was present at that banquet, as were nine other Queen's counsel; and he could assert that the patriotism, the intelligence, the education, and the enlightenment of Ireland were largely represented on that occasion; to say that a speech delivered by the right hon. Gentleman at Edinburgh or Glasgow, and in which he is represented to have said that the landlords of Ireland were aliens and foreigners, was the cause of the murder of Mr. Baker, was about as well-founded an assertion as that Tenterden steeple was the cause of the Goodwin Sands. The hon. Member for Devizes (Sir Thomas Bateson) being himself an Irishman, ought to know that the Irish were a very intelligent race; and the House must know that they were a very excitable race, after some of the specimens they had seen on the Opposition side that evening. Did the hon. Member really believe that the Irish tenantry required to be told by the President of the Board of Trade who their landlords were? If he himself were asked to give a reason for the crime committed in Ireland, he would be very much puzzled to do so; but that would be no valid excuse for his giving a bad one, and certainly he should be ashamed of himself if he laid it to the charge of the party opposite, supposing them to be in Office. He thought that the crimes now being committed in Ireland were to be deplored by every honest and intelligent Irishmen, and by every honest and intelligent Englishman also; but he did not think the Executive Government could properly be called to account for it. To him it appeared very like some diseases which broke out from time to time; and he thought that, in dealing with it, statesmen, like good physicians, ought to endeavour to find out the seat of a malady in order to deal with the cause as well as with those symptoms which were only effects. He would say a few words on the remarks of the noble Lord the Member for North Leicestershire (Lord John Manners), who formerly held the responsible position of a Minister of the Crown. The noble Lord said a great deal in which everyone would concur, but he made a great mistake in describing the present state of Ireland. Many hon. Gentlemen talked very glibly about Ireland who had never been in that country, and who reminded him of the physician who prescribed all the better for a patient because he had never seen him. Now, he had not only seen the patient, but was himself a part of the patient, and he asserted that the murder of Mr. Anketell, at Mullingar, was the only foundation for the noble Lord's statement that throughout the whole country no farmer could dismiss his hind or ploughboy, no tradesman his assistant, and no railway manager his porter. The noble Lord hastily generalized from a single instance. If such a picture were not overcharged, Irish Members should thank Government for prolonging the Session, because, clearly, the longer they remained out of Ireland the happier and the longer would be their lives.

Sir JAMES ELPHINSTONE said, the remarks of the noble Lord, who was now absent from the House, applied only to Westmeath and Tipperary, and not to the whole of Ireland.

Mr. Serjeant DOWSE said, he understood they had reference to the whole of Ireland, not even the North being excepted. Well, as an Irish Member and a citizen of Ireland, he claimed to know something about the country. All the property he possessed was situated there, and he had never resided long enough in this country to acquire the amenities of English civilization. He begged, therefore, to deny the accuracy of the noble Lord's statement. Unquestionably there was much crime in Ireland, crime of a deep dye. Ribbon and Fenian organizations flourished, while the head of a corporation of a large city had used language which was a disgrace to himself and his office. But the only punishment he would wish to inflict upon that official would be to shut him up for a week in the same room with the noble Lord the Member for Tyrone (Lord Claud Hamilton). He abhorred such language as had been uttered at Cork, and he believed that every Irish Member, whether a Catholic or a Protestant, would condemn it. The well-thinking and well-judging mind of Ireland condemned it; the honest hardworking Irish peasant, with his love for the aristocracy and his respect for the Queen, which he never failed to show when any member of the Royal family visited Ireland, abhorred it. What he stated he knew to be a fact. The people of England were always sure to hear the statistics of Irish disease, but never heard of Irish health. If the Mayor of Cork used the language attributed to him, and if he were sane—a question which must occur to the mind of everybody—it must meet with universal condemnation. But the crime which existed in Ireland was, after all, but the result of seven centuries of tyranny, misgovernment, and wrong. That long period of misgovernment and wrong was now passing away. He believed that there never was a time when English statesmen were more inclined to do what was just and fair towards Ireland than at the present moment. Hon. Gentlemen on both sides of the House were sincere in their desire to secure the peace, order, and well-being of Ireland. The only difference was as to the way and the means of attaining the great object which he was sure both parties equally desired to see accomplished. In his opinion they had now entered into the right way of serving Ireland, and he thought it would be advisable to leave the Executive Government to deal with the present state of affairs. In conclusion, he trusted that a measure to settle the land question would shortly be brought forward which would give satisfaction to both sides of the House. In the meantime he hoped the House would be allowed to proceed with the Church Bill, which was an instalment of justice to Ireland.

Mr. CONOLLY said, that nobody could find fault with the good temper which characterized the speech of the hon. and learned Member (Mr. Serjeant Dowse), but he thought that that speech was hardly suited to the gravity of the subject under discussion. The right hon. Gentleman the President of the Board of Trade told them that the Government were possessed of a panacea for the ills of Ireland. Many persons were sanguine enough to expect that when the Church, land, and education questions had been disposed of, there would be such a happy change in the state of Ireland as almost to realize that much desired condition of peace and repose when the lion would lie down with the lamb. But the Church had nothing whatever to do with the hopes and fears of the Fenians and Ribbonmen. The President of the Board of Trade would promise them no measures of what the right hon. Gentleman termed repression — but which he (Mr. Conolly) would call protection to life and property. He had himself seen something of the Ribbon conspiracy in Ireland; and it was most remarkable that in the counties where conspiracy had been most rife they now found the horrible state of crime existing which the House was discussing. He had himself lived in a part of Tipperary when bodies of troops passed to and fro every day to suppress the rising that was about to occur; and within four miles of that place a most serious outrage was committed about six weeks ago. A gentleman with his family retired to rest, and hearing an unusual noise he opened his door, when a number of men, whose faces were covered with crape, rushed into his house, placed him on his knees, and held a blunderbuss at his head, and while in this position made him give up the arms and money which he had in his house. The same morning there had been a large auction of stock at his place, and it was supposed that he must have a considerable sum of money, the proceeds of the sale, in the house; but when questioned by the ruffians he told them that he had put the money in the bank. The ruffians then treated his daughter in the same manner, exacting from her, with firearms presented at her head, an assurance that there was nothing more for them to take. After locking the father and daughter in an upper storey the ruffians decamped. Now, he saw no difficulty in tracing that outrage to the lees, or, as the right hon. Gentleman the President of the Board of Trade would call it, the *residuum* of that horrible faction of Fenians who over-ran the country some time before. The Chief Secretary for Ireland told them that these things were limited to the two counties of Tipperary and Westmeath; but very lately a vessel in Cork harbour was boarded and a quantity of arms taken from her by a band of, as he believed, American Fenians, who then decamped, and nothing more was heard of them. The history of the Fenian plots showed that these miscreants sought to inspire terror. That was the object of the explosion at Clerkenwell Prison, and also of O'Farrell's attempt on the life of the Duke of Edinburgh. The O'Farrell Papers, which had become so notorious, proved that the perpetrator of that attempt at assassination acted much more with a view to inspire general terror than from any ill-feeling towards his Royal Highness. The right hon. Gentleman who was primarily responsible to the House for the state of Ireland had taken a very inadequate view of the situation. If the

Chief Secretary's view was as limited as he had described it, and if he really believed that these crimes were confined to two counties, he was no longer fit for the post he now filled. Instead of being traceable in Westmeath no further back than 1866, those agrarian crimes had been going on there for many years before that date. The disease was an ancient and inveterate one in Ireland, which had baffled many political doctors; and the nostrums about to be adopted by the present Government would only cover them with ignominy and shame. The President of the Board of Trade said that was no case for panic. That reminded him of the large absentee proprietor who wrote to his agent in Ireland in these terms—"Let these people know that if they assassinate you they will not frighten me. Proceed with your ejectments." That was the spirit of the right hon. Gentleman's speech. It might be no matter for panic with the right hon. Gentleman opposite, but it was matter of panic to those who lived in the county of Westmeath, who could not tell their friends from their foes, nor say whether the man they met in the market-place was not their deadliest enemy. That was a frightful state of things for a civilized country, and almost amounted to a practical abeyance of Government. Those miscreants wished to drive out the present proprietors by means of terror; and sensible men charged with the responsibilities of Government ought to meet terror by terror, and put them down with the strong arm of the law instead of offering them Acts of Parliament. The first duty of the Government was to see that the lives of Her Majesty's subjects were secure, and that the highways were clear; and if they failed to perform that duty they were no longer worthy of the places they held.

The O'DONOGHUE said, he had not intended to take part in that discussion, but the circumstances which had occurred induced him to say a very few words. It was difficult for him to reply to a speech such as that delivered by the noble Lord the Member for Tyrone (Lord Claud Hamilton); but it was a great consolation to him to know that nothing which fell from that noble Lord would injure him much in the estimation either of the House or of the country. From the tone of the noble Lord and the hon. Member for Devizes (Sir Thomas Bateson) the House might imagine what the state of Ireland would be if those hon. Gentlemen had the direction of affairs, and what the feelings of the people of Ireland must have been when such men had the control of its government. But it was a consolation to him, as he watched the swaggering declamation and listened to the vapid utterances of the noble Lord, to feel that political power had for ever passed from him and those like him, never to return until they abandoned those views which were in antagonism with the welfare of their country. Hon. Gentlemen opposite said they were ashamed and abashed when they had to refer to those occurrences in Ireland. He disagreed with that statement. He left it to the House whether hon. Gentlemen opposite had not done everything in their power to blacken the character of their country. Two events had been alluded to with which he had been connected—one was a public meeting in Dublin, at the time of what was called "the *Trent* affair." It was true that he had been deprived of the Commission of the Peace, and he regretted it, because it seemed to warrant the imputation of disloyalty thrown upon him, while he felt, and was prepared, if necessary, to prove that he was a loyal subject of the Queen. The principal part of his speech on that occasion was a protest against being drawn into a war with the United States, and there were few public assemblies in England in which he would not have been prepared to make the same declaration. The other event with which he had been connected was the reception given in Dublin to his right hon. Friend the President of the Board of Trade. He looked back to that event as one of the most fortunate and proudest of his political life. He had taken part in that reception from many motives; partly from his great respect and regard for his right hon. Friend, but above all from an anxiety to show the people of England that the Irish people were ready to unite with them, and to show his countrymen that they need not look across the Atlantic, for there were multitudes of friends in England on whom they could rely. Since the date of that reception a change had come over the minds of his countrymen, and he was proud to feel that there was now in this country a Government and a great party to which an Irishman might attach himself without fearing to be accused of being a traitor to his country. He was far from imputing motives to his hon. Friend the Member for Liverpool (Mr. Graves) who had brought forward this Motion; but anything so exaggerated or unwarrantable as the picture he had drawn he never listened to. It reminded him of the feeling which usually came over him the morning after he reached London, when he took up the papers, and could scarcely believe in reading the column relating to Ireland that he was reading an account of the country he had just left. The fact was that, taken as a whole, Ireland was never more tranquil, property never more secure, rents never more punctually paid; and it would be just as logical to infer the condition of England from the Sheffield outrages, as the condition of Ireland from a few isolated crimes in portions of one or two counties. He held in his hand a paper which showed that Ireland need not fear comparison on the score of crime with England at all events. From the judicial statistics for 1867, which he found in the Library that evening, it appeared that of offences against property there was a much smaller number in Ireland than in a corresponding portion of the population in England; and with regard to cases of murder, shooting at with intent, and attempts to do grievous bodily harm, the Irish statistics were more favourable than the English. He hoped Her Majesty's Government would disregard the appeal which had been made to them to legislate this Session upon the land question, as it was well known that they could not do so with effect. He hoped they would not be diverted from the great object they had taken in hand, and that the people of England would turn a deaf ear to the statements which, for a special purpose, had been made by hon. Gentlemen opposite.

Mr. BRODRICK said, from the speech of the hon. Gentleman who had just sat down, one would be disposed to think that no legislation whatever was necessary for Ireland. He described everything as *coleur de rose;* the people were never so happy, the country never so prosperous, the peace of Her Majesty never better kept—in fact, everything that could be desired was present, and all bad and dangerous elements had vanished out of sight. Such was not the account they had heard from other speakers equally well acquainted with Ireland. He would not himself have risen to take part in the debate had any hon. Gentleman from that quarter of the country with which he was best acquainted risen to disclaim the sentiments which had been openly professed by the chief magistrate of the second city in Ireland. He had hoped that the hon. Member for Cork City (Mr. Maguire), who had filled the office of mayor with honour to himself and, he hoped, with benefit to his fellow-citizens, would have risen to scout with indignation the sentiments that had been imputed to the Mayor of Cork. But he had been disappointed; he found that the province of Munster, having at the last General Election been swept of almost all hon. Gentlemen who sat on that (the Opposition) side of the House, there was now no representative from it who had the courage to rise and disclaim any participation in sentiments so disgraceful in themselves, and so detrimental to the prosperity of the country. He wished to attach no factitious importance to the post-prandial utterances of the particular individual whose conduct was under discussion. It would be giving him a prominence altogether unsuited to him; but the painful part of the business was that such utterances should have been received as they were. That, after what was known of the character of that most eccentric individual, he should have been chosen by the town council of his own city to preside over them as chief magistrate was lamentable, and it was equally lamentable that his bombast should have been received with applause, and that no notice should have been taken, in the way of reprobation, by those whose duty it was to represent the great city and the great county of which the Mayor of Cork was, unfortunately, a native. There had been a tendency in the present debate to confound two things which were in reality very different—the one was Fenianism and the other Ribbonism. As he should have to cast blame on Her Majesty's Government in connection with this matter, he hoped it would be understood that no one would more loyally support them in any measures which they might recommend, and which might seem to him likely to promote the peace, the welfare, and the prosperity of the country in which he was himself as directly interested as any Member of that House. As far as the Fenians were concerned they were mainly confined to the South of Ireland. The origin of the society dated about ten years back, and it was sister to another organization known as the Phœnix Society,—whence they were called Phœnicians—which sprang into life in the south-west of the county of Cork, its original centre having been the town of Skibbereen. In 1859, that organization first saw the light. Active measures were taken against it by the Government of Lord Derby, which came into power early in that year. Several members of the society were arrested, and were awaiting their trial, when a change of Administration occurred, and Lord Derby's was succeeded by a Government composed of hon. Gentlemen who now sat opposite. They sent over Lord Carlisle to Ireland, and the first thing the Law Officers of the Crown did was to enter a *nolle prosequi*, and the men who were awaiting their trial were let free. What was the result? Why that several of those very men immediately took a leading part in the organization of the Fenian conspiracy, which rose from the ashes of the Phœnix conspiracy. And yet, with this warning staring him in the face, the right hon. Gentleman had this year proceeded to repeat the same mistake, to show the same weakness, and to open the prison doors, this time without conditions, to men who never ought to have been allowed to go out until they had completed their sentence, or, at all events, until the country was in a state of greater tranquillity. He could speak on this subject with some authority, because he was unfortunately connected with that portion of the country in which the rising occurred two years ago. He knew who were the two leaders—one of them, a carpenter, was shot through the head in front of the police barrack of Castle Martyr, and the other, who was employed in a distillery, disappeared after the outbreak and was never heard of since. Both of those men had been in custody under the Lord Lieutenant's warrant, and both had been released; but ten days afterwards they resumed their nefarious operations. The Fenians were drawn, as a rule, from the lowest possible class; there was hardly a farmer's son among them, and if one did join he was immediately promoted to be an A or a B, a sergeant or a captain; their ranks were filled exclusively with unmarried farm labourers and shop boys in the towns. They did not so much want the land of the great landowners as the farms of those who were in slightly better circumstances than themselves, and consequently the tenant-farmers held aloof from a speculation in which their gain might be very doubtful. He could not acquit the Government of blame for having, by their measures lately introduced into Parliament, given considerable encouragement to discontent in Ireland. Six weeks ago he ventured to prophesy that the Church measure would prove to be one not for the pacification of Ireland. It was doubtless conceived in that spirit, but the expectations with regard to that measure had not been fulfilled. The results of the experiment were written already in letters of blood in Tipperary, in Westmeath, and in the counties adjoining, and the reason was plain. By attacking an institution of the country which had existed for 300 years the Government were unsettling the foundations of property. The President of the Board of Trade declared that the state of Ireland was not worse than at previous periods within his recollection; but surely they ought to have made some advance, and begun, at least, to realize the fruits of the mild legislation of the past quarter or half-century. Hoping to enter on a new era of peace and prosperity it was disappointing and disastrous to find ourselves once more face to face with the old notions about "the wild justice of revenge," with the murder press still in full operation, and with Gentlemen in the important position of the Chief Secretary for Ireland giving them the cold consolation that things might have been even worse. With a view to the prosperity of Ireland, the first thing they should do was to give her fair play, whilst, at the same time, they ruled her with a strong hand. Now, unfortunately, this combination had been rarely achieved in her history. In former times we ruled her with a strong hand, but gave her very little fair play; and, in later times, whilst there had been fair play, there had at the same time, been no consistent or determined policy. It had been too much the fashion for one Administration to undo all that their predecessors had done, and begin *de novo;* but nothing did Ireland more harm than change. What was wanted were an uniform system of government and the peaceable operations of progress, but legislation for Ireland had been spasmodic and fitful, and had often contradicted itself. Much evil had arisen from too much importance being attached to the bluster which some times came across St. George's Channel. No one understood better than an Irishman how to intimidate, and he would often use much stronger language than he ever intended to make good, in order to attain his end. If, however, he was made to feel that the law was stronger than he was, and that there was a sincere desire to deal with him in a just and equal spirit, then he might be led like a child. He had been flattered and pampered, and had frequently attained his wish by the infantine process of crying for it, and the result was that he had repeated the process on every possible occasion. Right hon. Gentlemen opposite had very little notion what effect was produced in Ireland on poor and ignorant people by words spoken in that House. He perfectly understood the meaning of the President of the Board of Trade this evening when he talked about restoration of proprietary rights to a portion of the people. But those words would be very differently understood in Ireland. Fixity of tenure, for instance, meant on this side of the Channel leases and compensation for unexhausted improvements. In the mind of the Irish tenant-farmer, on the contrary, fixity of tenure would mean a lease for ever at his present rent, and with no power on earth to interfere with him in the management, culture, or disposal of the land as long as that rent was paid. The result would be that within the limits of one or two generations farms in Ireland would be divided into infinitesimal portions; that there would be a pauper population and a poor rate increasing day by day in amount. They would have over again the state of things which existed before the famine in 1847. When, he might add, the right hon. Gentleman the President of the Board of Trade said time was necessary to cure the woes of Ireland, he spoke the truth, but not the whole truth. Ireland wanted something else besides time. She wanted rest, and particularly rest from political agitation, for so long as she was to be made the battle-ground of parties and the instrument by which the fate of Ministries was to be changed, so long would she be unable to enjoy any real or abiding prosperity.

Mr. MAGUIRE: Sir, it is not my fault if I am compelled to ask the attention of the House at this period of the debate, as I had not intended to have said one word in the present discussion, nor should I have done so but for the grave imputation upon my honour as a Member of this Assembly, which the appeal of the hon. Gentleman the Member for Mid-Surrey (Mr. Brodrick), who has just sat down, though couched in courteous language, seemed to convey. I stand in a somewhat peculiar position at this moment, representing the city of Cork—the city in which the words which had given rise to so much discussion this evening were said to have been uttered; but as to the words alleged to have been spoken by the Mayor of my city, I would myself adopt, and I would respectfully ask the House to adopt, the advice fairly and rightly expressed in the words of a telegram just received by my hon. Friend the Member for Bandon (Mr. Shaw)—"Suspend your judgment until you hear further." I sincerely desire that the House should follow that wise advice; for to condemn a man before he is tried, and especially on the unsupported evidence of a mere newspaper report of words alleged to have been spoken, and which might be susceptible of explanation, is not in my opinion consistent with the most ordinary notions of English justice, and would not be creditable to the dignity of the House of Commons. To return, however, to the appeal addressed to me by the hon. Member for Mid-Surrey. Now, Sir, for the hon. Gentleman to call on me to repudiate any sympathy with the foul crime of assassination—to call on me who, as Mayor of my native city for years, have more than once, at the risk of my life, maintained its peace and order—who, not at the risk of life certainly, but at the sacrifice of popularity, and the certainty of misconception on the part of a considerable portion of my fellow citizens, earnestly and to the best of my ability opposed, by entreaty and remonstrance, the progress of the Fenian movement when it was at its height—to call on me to declare myself a loyal man, and to repudiate sympathy with assassination, is, I say, a vile, although I am sure in the present instance, an unintentional, outrage on my honour. It is, however, due to those whom I here represent to say what was the feeling that prevailed in Cork when the news reached that city of the wretched attempt that had been made on the life of the Duke of Edinburgh. I can truly say—and I had the best means of ascertaining the public feeling, for I was in daily communication with all classes of my fellow-citizens, the humblest as well as the highest—that it was a feeling of shame, indignation, and horror. It was felt, that so far as the wicked and desperate act of a miserable lunatic could do so, the national character had been disgraced and dishonoured; nor did I hear of a single man in my city, of any class or grade, expressing the slightest sympathy with so abominable an offence. Having said so much in reference to the special matter which induced me to rise on this occasion, I would now address myself briefly to the hon. Member for Liverpool. I fear, Sir, there is a desire on the part of some, if not many, hon. Gentlemen opposite to exaggerate the present state of things in Ireland, and to do so for party purposes. I, like my hon. Friend the Member for Tralee (The O'Donoghue), deny that crime is the normal condition of my country, or that it is so prevalent as it has been represented in this debate to be. So far from it being the case that the country is distracted by crime and outrage, the contrary is the fact. What do we find?—that Assizes after Assizes Judges congratulate grand juries and the country on the absence of serious crime—that is, of the ordinary crimes that prevail in other countries. It is true, painfully true, that the country has to deplore the commission of terrible outrages in certain limited districts. But it would not be correct to assert that all these outrages are agrarian in their character. Even some of the alleged outrages never took place at all. Thus, for instance, we saw an account in the morning papers of a man having been found brutally murdered, and whose body was lying in a ditch dreadfully mangled; but the man was, to use a vulgar phrase, only dead drunk, and when the spirit that overpowered him evaporated, this murdered man rose up and walked away. The last offence committed has not been attributed to agrarian causes. Neither has the latest murder in Tipperary been attributed to an agrarian conspiracy; and surely the murder of the station-master had nothing whatever of that character. The latter was clearly a case of private vengeance, and, if we can form an opinion as to the information which has reached us, so was the former. I would ask hon. Gentlemen—Are there no acts of private vengeance in England?—and who in Ireland venture, because of the commission of those deeds of blood in England, to charge the whole population of this country with complicity with them? But a double charge is urged by the Opposition—against the Government and the people of Ireland; the Government are held responsible for the perpetration of those outrages, and the people are accused of sympathy with those by whom they are perpetrated. First, as to the means of repression, I believe that under the statute law and the common law the Government have ample means and power to detect and punish the perpetrators of those outrages; and I, for one, should be delighted to know that the powers in the hands of the Executive were effectually exercised for the suppression of outrage and the punishment of those grievous crimes which every right-minded man in Ireland must deplore as a great calamity. But these powers, when vigorously exercised, are sufficient for the purpose. Now, Sir, to hold the present Government responsible for crimes committed in certain districts of Ireland is as unreasonable as to charge their predecessors with responsibility for the murder of Mr. Featherstonhaugh, committed some twelve months since. We remember the visit of the Prince of Wales to Dublin, and how the splendid festivities of the Vice Regal Court were quickly followed by a ghastly tragedy; and yet, what would be more monstrous than to hold the Duke of Abercorn, the Lord Lieutenant of that day, responsible for that murder? Could anything be more absurd than to charge to the policy of the present Government the perpetration of the late outrages—outrages which have been going on for many, many years—outrages enveloped in mystery—outrages which denote a rancorous sore existing in the body politic. It is now some forty years ago since Chief Justice Bushe presided at a special Commission at Maryborough; and that venerable Judge, while putting the law in force, admitted that the intervention of the Legislature was necessary to deal with the causes of those occasional outbursts of violence. But from an intimate knowledge of a large portion of the South of Ireland, I can say that, so far from the policy and attitude of the present Government having led to disturbance and violence, I believe it has produced an entirely opposite result. A new-born hope has been gradually but steadily awakening in the mind of the mass of the people, who are being brought round to repose in Parliament and in Parliamentary action—in the will and power of Parliament—a confidence which had been almost entirely extinguished in the breast of the Irish nation. That this should be so—that this despair should exist, and that it should give way gradually to the influence of hope—is easily explained. For more than a quarter of a century eminent statesmen admitted or declared the Irish Church and the state of the land question to be great and pressing grievances; but, up to the present moment, no English Minister really grappled with the Irish difficulty. It is difficult to dispel from the Irish mind its disbelief in English statesmen. A week before the present Session a constituent of mine—no Fenian, but a man of mark and position in Cork—asked me, doubtingly, but in all seriousness, whether the Government and the right hon. Gentleman at its head were really in earnest in their Church policy, or whether it had been taken up for the purpose of obtaining Office, and to be then abandoned. In reply, I expressed that which I felt—my conviction of the earnestness and sincerity of the Prime Minister; and I added, what I now deliberately repeat, that if I were deceived in the right hon. Gentleman I would never have hope again in statesman or in politician. I need not say that that confidence has been abundantly vindicated by the policy of the right hon. Gentleman at the head of the Government, and the resolute manner in which he is carrying it into practical effect. The origin of Fenianism is not so mysterious as some people would have us believe. To me its cause and origin are perfectly plain and manifest. The main cause of Fenianism was despair of Parliamentary action—despair of the English people—despair of English politicians. Was that despair unreasonable or unnatural? More than twenty years since Lord Derby, the father of the noble Lord opposite, endeavoured to legislate on the land question, the state of which was then grievous and indefensible; but up to this moment nothing practical has been done to remedy that state of things. Forty years ago Mr. O'Connell took up the question of the Church, and for more than a quarter of a century the people of Ireland have been making the same demand now embodied in the Bill of the present Government; but it is only now that something has been done towards redressing a long-standing and admitted wrong. Therefore we cannot blame the people of Ireland for not having faith, or for having lost faith in Parliamentary action to redress the grievances of their country, when so long a time has been allowed to pass without any serious attention having been paid to them. This want of faith, this rooted disbelief, this actual despair lies at the bottom of all the mischief in the country; and the moment you dispel that despair by practical legislation—legislation generous and large—from the heart of the people, and re-place it with the influence of a living hope, that moment you turn over a new leaf in the relation between England and Ireland. I know of my own personal knowledge that the feeling of animosity to England has been greatly softened down, and that this change of feeling is owing to a growing conviction that England is really anxious to deal with the wrongs of Ireland. There is a growing belief in the great Liberal party, in the honesty and sincerity of their sympathy with Ireland, and their determination to do justice to her people; and not only are the splendid majorities that nightly crowd the Lobbies on the Church question calculated to inspire hope and confidence in the mind of Ireland, but they are striking a deadlier blow to Fenianism, whose origin was despair of England and of Parliament, than could be struck against it by all the force and power at the command of the Executive. I do not stop for a moment to discuss the policy of the Church Bill of the Government; but I may take this opportunity of stating, that from motives of delicacy, I have avoided taking part in the debates which have arisen on its clauses; and for this reason—that being a Catholic Member I was under the impression that my advocacy of the measure might cause some irritation to hon. Gentlemen opposite, with whose momentary feelings I cannot refuse to sympathize, than the advocacy of Protestant Members. Besides, I was satisfied that the cause of the Church was in the hands of its accredited champions, while I was satisfied that the interests of the country were best left in the custody of those who had charge of the measure. Then as to the question of the land. Hon. Gentlemen opposite want to entrap the Government into a detailed exposition of their policy in respect to this important and fundamental question; but I would ask the right hon. Gentleman on the front Opposition Bench—Is such a course Parliamentary, or fair, or according to the rules of party? Suppose the position of parties reversed, would the right hon. Gentleman opposite gratify the curiosity of an Irish Member who ventured to inquire as to the details, or even the principles, of a measure not actually in existence, and which, owing to the pressure of business, it was impossible to bring forward this Session? Why, Sir, the Irish Member who insisted on knowing what were the details of a measure not actually in existence would be scouted by the whole party opposite. The hon. Member for Mid-Surrey says that what Ireland requires is rest. No doubt rest is required, and would be most welcome; but rest is impossible under existing circumstances. Rest is incompatible with the existence of rankling grievance. So long as there is a sore there will be irritation, and so long as there is irritation there must be agitation to get rid of the sore. If a patient suffer from a grievous wound, or from a rankling thorn, the wound must be healed and the thorn eradicated before the patient can have rest. Remove the cause of irritation, and allay the fever which it causes, and then you will enjoy the rest which you desire for my country; and no one more heartily desires it for her and her people than I do. The state of the land question is this rankling sore, is this cause of fever and irritation; and until it is settled on principles of justice—justice alike to all interests—you cannot have enduring peace in Ireland. Now let me tell the House and especially hon. Gentlemen opposite, that the Irish farmers do not entertain such extravagant notions or make such revolutionary demands as it is the fashion to attribute to them. I am not without some knowledge as to their feelings and their hopes. There is, in my city, a farmers' club, and in that club, consisting of farmers of the rural districts adjoining it, there are many men of great industry, great independence of mind and character, and of whom any landlord in the world might be justly proud. I assert that a fair, honest, protective Bill that would enable them to improve their position and secure the interests of their family, while enabling them to improve the condition of the country, and to do this without hurting the landlord, would perfectly satisfy them. I would illustrate the demand of the Irish farmer in this way. It was said the Irish tenant did not require the protection of a lease. There cannot be a more serious delusion than this false notion. The value of a lease to the farmer, to the landlord, and to the country was thus made clear to me by a farmer in reply to my question whether tenants really wished for leases. He said—"I hold two farms, one with and the other without a lease; every farthing I have I put into the farm for which I have a lease, and I don't put a sixpence into the other but I will rack it out before I give it up to the landlord." That man wanted no more than a fair and protective lease, and full and honest compensation for every farthing he put into the land; and in wanting and requiring this, he did not want to hurt his landlord. If the House be wise, it will deal with this question of the land in a liberal and comprehensive and not in a party spirit. If statesmen at both sides be wise, and really desire to serve Ireland, and promote the peace of the country, they will combine to pass a satisfactory Bill, which would be of enormous advantage from every point of view. I do not say that the passing of the Church Bill will accomplish everything for Ireland. It is a step, and a great step in the right direction; it is a solemn redemption of the promise made by the Government of turning over a new leaf in the history of these countries. Of itself it will do good, by removing a cause of disunion and discord; and the time will come when those who are now so violent in their opposition to it will be grateful to those who conceived and carried out so great an act of justice and sound policy. Nevertheless the land question must be dealt with boldly and firmly, if you desire to make the people loyal and contented. Retain in any man's mind a sense of wrong and injustice, and let that man believe he is oppressed by the law and the policy of the State, and he cannot be loyal; or if he affect to be so, he is a hypocrite. You can make the people loyal by justice, and by giving them a stake in the country—something to protect and fight for; do this to the tenants of Ireland, and be certain they will know how to defend the country against every attempt at invasion, come from whatever quarter it may. When these reforms are honestly persevered in, and when you deal with the Irish people in a spirit of wisdom and justice, then they will be loyal and contented.

Mr. GATHORNE HARDY: Sir, the right hon. Gentleman at the head of the Government invited those who discussed this question to exercise a self-repression, and, no doubt, in the manner in which the right hon. Gentleman commenced his speech there was nothing to complain of in the way of warmth, yet it is possible for one to address the House with a semblance of mildness while giving expression to the strongest sentiments. That was the case of the right hon. Gentleman, for when he came to explain a passage which had been quoted against him, those who marked his tone could not think that it was calculated to soothe irritation. Before I enter into the general question, I wish to get rid of one portion of the subject on which the House will be unanimous —I allude to the gentleman who has caused so much remark here to-night—the Mayor of Cork. I wish to dispose of him in a few words. He seems to be a very irrepressible person, and quite incapable of that self-repression which the right hon. Gentleman recommended. An hon. Gentleman has put into my hands a telegram explanatory of the speech of the Mayor of Cork; but I am quite content to wait for a fuller explanation, as the telegram does not tend to get rid of the words he used, or to show that he is fit for the office he holds. With regard to mayors, it seems that a change of the law is required in some respect. As you can dismiss an ordinary justice of the peace for misfeasance in office, or for anything else bringing down on him the correction of the Executive, you ought to be able to take the same step for similar causes in the case of mayors. It ought not to be necessary, as on the occasion of the Porteous riots at Edinburgh, to have an Act of Parliament passed in order to get rid of the chief magistrate. If the Mayor of Cork used those expressions—which it would be disgraceful for any subject of Her Majesty to utter—I trust that, as there are seven months of his term of office still to run, the Government will take steps, no matter at what cost, to prevent him from sitting upon the bench. With respect to the other and more important subject —the disturbed state of Ireland, which the hon. Member for Cork (Mr. Maguire) says is much exaggerated—it is no part of my wish to make a greater case of the evils of Ireland than has been admitted by the Government themselves. No one could have heard the tone of the Government, when speaking on this question, without feeling that they are in possession of information which makes the state of Ireland a very serious question to them. No one could have observed the tone of the Chief Secretary for Ireland without perceiving how deeply he felt his position in reference to the present state of Ireland. It is all very well to say that these outrages are confined to particular districts; but is the shooting at Mr. and Mrs. Rotherham and at Mr. Pearse, in Meath, all forgotten? It is not, as the hon. Member for Tralee (The O'Donoghue) supposes, a question of the amount of crime. I am willing to admit that, as respects ordinary cases of crime, we have in this country a pre-eminence which I should be glad to get rid of; but the crime we are now speaking of is a special kind of crime as regards the perpetrators, and those who conceal and so sympathize with the perpetrators. When I ask myself why the perpetrators of these crimes are not brought to justice, I am forced to the conclusion, that the fact of such deeds being done in open daylight, known to many people, and often in the presence of many people, who, for not denouncing the murderers, are as guilty as the men who strike the blow, and the circumstance that the criminals remain undetected, constitute a very serious state of things. I have moved for a Return of the number of crimes of this nature, which I am anxious to obtain, because I have reason to believe that they are more numerous than they have ever been before. I have desired that the Return should not be encumbered with details of ordinary crime, but that it should be confined to special crimes, and that which I believe is often the commencement of crime—the sending of threatening notices. From private sources I learn that there never were so many threatening notices circulated as at the present time. But in this respect we are at a disadvantage as compared with the Government, because a Report of these threatening notices is at once sent to Dublin, and the Government obtain information of them. It may be true that these murders are confined to particular counties, but the threatening notices are not, and the crimes which are committed in those counties produce an effect on others. You cannot have a shock in the central counties of the country without its radiating to others, and spreading a feeling of terror. Nothing is so important for the welfare of Ireland as the residence of the gentry among the people, feeling secure in the presence of their tenants, and acting cordially with them; but, if they find the peasantry sullen and disaffected, it is evident they must feel deep disappointment, and fancy that all their efforts to benefit their tenants are thrown away. Was it, then, unreasonable that the hon. Member for Liverpool, representing a vast constituency intimately connected with Ireland, and having himself ties of relationship in that country, should have endeavoured to trace the causes of these crimes, and should have come to the conclusion that they are caused by doubt and uncertainty as to the course which the Government will take. The hon. Member did not ask the Government to enter into details; but, as vague hints have been thrown out on the hustings and in Parliament, he desired the Government to state plainly the principles on which they mean to act. Three Cabinet Ministers have spoken on the question tonight. The speech of the Chief Secretary for Ireland simply related to the subject of the repression and detection of crime, and did not contain one word as to the remedy which should be applied to the evils of Ireland. It was all police and no policy. The hon. and learned Member for Derry (Mr. Serjeant Dowse), who addressed the House with much vigour and humour, said he would assist those engaged in administering the law. I can assure the hon. and learned Member that he will find every Gentleman on this (the Opposition) side of the House prepared to do the same, and I have no doubt that those on the Ministerial Benches would have been ready to give a like assistance to the late Government. Though we may differ from them about means, we should be ready to give our assistance readily and frankly to them in repression of crime. My right hon. Friend (Colonel Wilson-Patten) is absent on Public Business, or he would have adverted to a point which the right hon. Gentleman (Mr. Chichester Fortescue) raised, relating to a time when my right hon. Friend was Chief Secretary for Ireland. [Mr. CHICHESTER FORTESCUE: For the most part before that time.] Well, I have no information on that subject, and therefore I must pass over it. My noble Friend (Lord Claud Hamilton) recited a history which was mainly accurate, though the President of the Board of Trade may say my noble Friend was not accurate in his inferences. That right hon. Gentleman has, for a long time, been pretty plain in the objects of his Irish policy. He is more for policy than police. I do not think we have yet arrived at the particular means he will adopt, and I am not going to ask him for the details of his measure; but so far as he is concerned his policy is clear. It is to give to the Catholic residents in Ireland, if possible, within the rules of political economy, an interest in the land and the possession of the land. It is, if possible, by fair means, to get rid of absentee Protestant proprietors. I find that the right hon. Gentleman, in that celebrated speech at Dublin to which my noble Friend adverted, said that a Royal Commission should be empowered to treat for the purchase of those large estates with a view to sell them to the tenantry of Ireland. These are some of the proprietors to whom he referred—The Earl of Derby, the Marquess of Lansdowne, Earl Fitzwilliam—and I must say the right hon. Gentleman was very fair in his selection; he took landed proprietors promiscuously from both sides—Lord Hertford, the Marquess of Bath, the Duke of Bedford, and the Duke of Devonshire. That is a very plain and straightforward policy. The right hon. Gentleman means not merely to give security of tenure in the sense of due compensation to the tenant and a fair hold upon his landlord in respect of improvements, but he goes much further. He says there must be a change of ownership. Now, that is a very grave question, and involves very large principles, and, therefore, when the next Cabinet Minister rose, he being at the head of the Government, we naturally looked to see whether his answer would be in accordance with that of the President of the Board of Trade. Remember that the question asked was not—"What is the policy of the President of the Board of Trade, or of the Chief Secretary for Ireland?" but—"What is the policy of the Government?" Well, we have heard the right hon. Gentleman speak, and it is our conclusion that his policy is that of the President of the Board of Trade? The right hon. Gentleman was prepared for the further measure of police. He agreed with the Chief Secretary for Ireland on that point. So, indeed, did the President of the Board of Trade, with some consoling measure. But I am bound to say that the measure affecting the Irish Church seems to have no consoling influence upon the people of Ireland either in the North, in the South, or in the centre. In Cork, not only one person speaks treason but a thousand applaud it. In the North, sectarian animosities break out more violently than ever. In the centre, outrage prevails to a greater extent than it has prevailed for years. A consoling measure, therefore, appears to be wanting; and I doubt whether the President of the Board of Trade is prepared to give his support to the further measures of preventive police and those detectives which were rather hinted at by the Chief Secretary—detectives better fitted than the armed police to pry into the secrets of men, and who are declared to be necessary if you are to come to a knowledge of these crimes. As to the policy of the First Minister of the Crown, he took rather a peculiar course. "I cannot quite say," he remarked, "that everybody on this side of the House is prepared to adopt the measures of the President of the Board of Trade." But when the President of the Board of Trade was speaking that right hon. Gentleman said—"I shall be prepared next year to put before the House the plan which I have." Now, is the President of the Board of Trade the Prime Minister, or is the right hon. Gentleman the Member for Greenwich? Is the President of the Board of Trade the dictator of the Cabinet—is he so far master of the situation that he has a right to announce to the House that the policy which in these speeches he put forward is the policy to be adopted by the Government? [Mr. GLADSTONE: No!] The First Minister of the Crown says—"No!" but the President of the Board of Trade certainly put the matter strongly in his speech. The First Minister read something he said last year with respect to fixity of tenure. What he said was that you should give to the tenant full security for the produce of his labour and compensation for unexhausted improvements; and he thought that would tend towards the object which the President of the Board of Trade had in view—namely, fixity of tenure, which grows, however, under the manipulation of the President of the Board of Trade, and from fixity of tenure becomes ownership of land. Well, then, is the language of the right hon. Gentleman on that occasion the answer of the Government, or is it not? The answer of the Chief Secretary for Ireland was nil. The answer of the President of the Board of Trade was a very grave and a very extensive answer, one which went far beyond what the head of the Government has said. The answer of the head of the Government was not—"I will say now what the Government will do," but "I will tell you what our opinions were last year." Now, what these opinions were last year conveys no information to my mind at all. It is clear that in Ireland a morbid feeling exists, and has for centuries existed, with respect to the land. Do not let anybody suppose that this question has not been connected with the Ribbon conspiracy and agrarian crime; because, after all that we have read and heard, such a theory is an outrage on common sense. It is clear that there exists a combination upon some common principle in order to conceal these crimes; and we have ascertained upon trials of persons accused of these crimes—though, unhappily, such persons are rarely brought to trial—that the land question is at the bottom of it all. You say this is the outbreak of disease. Well, what is your remedy? Repression? Yes, but you want something more. You want an answer given in this House which shall reach the minds of the people affected by this morbid feeling. What has been hitherto said in this House, and what has been said in public speeches in Endinburgh, in Dublin, and elsewhere, has had an effect which, if it were not meant, is only in accordance with the effect of such speeches generally. When right hon. Gentlemen who occupy such positions as the President of the Board of Trade and the First Minister of the Crown, whether in or out of Office—when such men speak they must know that every word they say is taken down, that it is published all over the country, that it has its effect upon the public mind, and that their meaning and intention are judged, not by the qualifications and reservations which exist in their own minds, but by that which is on the surface of the speech, and which commends itself at once to the eye and mind of an ignorant reader. It is not that such speeches are read by every one of these Ribbonmen; but they are read by some, are passed on by them to others, and in their lodges they communicate to one another that great movements are going on and that great men are ready to back them in their designs on the land. It is, therefore, important that those who make speeches should be careful in the words they utter, for when the right hon. Gentleman the First Lord of the Treasury declares that the Church, the land, and the education of Ireland—that education which, for the last thirty years, has been conducted on almost secular principles—are part of a great system of Protestant ascendancy, these people are led to suppose that he will not stop short with the Church, but that by-and-by he will, in some similar method take away the land from proprietors and give it to them. The right hon. Gentleman said twice over, in answer to a question which was put to him by my hon. Friend behind me—"So far as I am personally concerned these are my opinions;" and we have had, therefore, no definite statement to-night from any Member of the Government as to the views on the question which, as a Government, they entertain. The confusion which existed before is still allowed to prevail, and vague longings and wild uncertainties are still allowed to operate without qualification. Now, I cannot help remarking that, in the arguments on this great question which, for the last thirty years, have taken place in this House, statements have been made as to the miseries which were said to exist in Ireland of which not one particle of proof has been given. We have had proofs of the existence of a morbid feeling in that country, and as to the effects produced by agitation on the minds of its people, but no evidence has been adduced to show that greater misery has resulted during the period of which I am speaking, from the operation of our laws in Ireland than has prevailed either in Scotland or England. What are the miseries of which complaint is made? Do not the laws in Ireland afford the same security for property, whether personal or real, and for the liberty of the subject as they do in this country? Is there anything in the laws which affect the relations between landlord and tenant in Ireland which practically places those relations on a different footing from that on which they stand in England? I think not. The right hon. Gentleman the First Minister said that no objection had been made to that scheme of purchase by the small tenants which he had proposed in the Irish Church Bill. But the question is whether these small holders will be in a position to avail themselves of that provision if the Bill should become law, and whether, if they can make the purchases, they will not hereafter suffer from the evils which, when Ireland had a large freehold population, were created by the great division and sub-division of land. Believing that the morbid feeling which exists in Ireland, and of which we have heard so much, has been irritated by a misunderstanding of the intentions of the Government as expressed by several of its Members, it seems to me to be most desirable that the Government as a Government, should state, not in detail but in its main outline, what it is which they are prepared to do in connection with this question. The character of my hon. Friend who brought the subject forward (Mr. Graves) is, I am sure, a sufficient guarantee that it has been submitted to the House in no factious spirit, and I trust that the manner in which I have spoken shows that I am anxious not to import anything of that kind into the discussion. I feel, however, that we are justified in asking the Government for an explanation of their policy. Let them tell us that they mean to compensate the tenants in Ireland in full, and that they intend they should not be treated unjustly in respect of their tenure. But let us have from them a distinct assurance that they are not going to use Imperial funds to purchase estates for anybody, or to allow it for one moment to be supposed that the land possessed by the landlords shall pass from them without their full consent or by means of the money of the country, and that the whole of the transactions connected with it shall be conducted purely on the principles of political economy. I thank the House for having allowed me to make these few remarks on a question of the deepest importance; for let the state of discontent, outrage, and crime of this special kind in Ireland be confined as it may within certain limits, it affects the whole country and the peace and prosperity of families. It is repelling capital and, in short, doing everything to render a country miserable which has every opportunity of being happy and contented. I do sincerely trust under these circumstances that we shall hear from some Member of the Government, before this discussion closes, what is the policy which they propose to adopt in order to secure an object which we must all have at heart.

Mr. DOWNING said, that as references had been made to him, he desired to say that no man more regretted than he did the language of the Mayor of Cork. In common, he believed, with all Irish Members, he deeply regretted the outrages that had taken place in his country, and looked upon the perpetrators as the greatest enemies of the Irish tenantry; because such events must interfere with the hope long entertained of obtaining from the British Parliament a satisfactory law upon the relations between landlord and tenant. The Land Laws of England and Ireland, though they had been stated to be identical, were very different, at all events in their operation. The recent debate in the House of Lords on the Bill of the Marquess of Clanricarde, showed that, in the opinion of more than one Member of that House, the land question in Ireland required to be dealt with by means of a legislative enactment to prevent oppressive behaviour on the part of some landlords, whose conduct was quite sufficient to create general insecurity of feeling on the part of the Irish tenantry. The noble Marquess said—

> "His Bill was not intended to satisfy the absurd theories which were disseminated by the National Association, which was the entire abolition of property in fee in the soil. It was apparently believed by the National Association that the Government would actually listen to a scheme of leases in perpetuity, at a corn rent, under no restrictions other than the obligation of paying rent."

He (Mr. Downing) denied that the Irish National Association ever promulgated any such theory; and he considered it most unfair, not only towards that body, but the tenantry of Ireland, that prejudices should be thus created. A suggestion had been made in a Report of the Irish National Association for a settlement of the question. It was proposed that the present tenement valuation should be taken, and leases made for sixty years, on the principle that in fixing the rent 20 per cent should be added to that valuation; also, that, at every future valuation, the landlord should be entitled to an increase of rent according to the increase of value. Was that, he asked, like a proposition to deprive landlords of their property? He admitted that crime existed in Ireland; but it was a libel on the character of the tenantry of Ireland to say that they wanted to deprive the landlord of his property, or even that they wanted perpetuity of tenure. All they desired was a law that would give them full remuneration for any improvements they might make, and, therefore, security of tenure. Many distinguished Conservative statesmen had considered legislation upon that important question necessary with regard to Ireland. [The hon. Member quoted passages from speeches delivered by Lord Derby, Sir Robert Peel (when Chief Secretary for Ireland), and Sir Joseph Napier, in order to show that the law of Ireland differed from that of England with regard to improvements effected by tenants.] He entirely repudiated the Bill recently introduced into the other House by the Marquess of Clanricarde as a settlement of the land question; it would place the tenantry of Ireland still more at the mercy of their landlords. All the Committees which had been appointed to inquire into this subject had reported that compensation ought to be given to tenants for improvements effected by them. He was himself a landlord, and speaking as the representative of the great county of Cork, and on behalf of the tenantry of Ireland, he repudiated such motives as those which had been attributed to them. He thought it ought to put a stop to such statements. The noble Lord the Member for King's Lynn (Lord Stanley) asked what would pacify the people of Ireland. He would answer — a just Land Bill? The Church Bill would not do it. He never considered the Church question the great question of Ireland; but the land question could not be dealt with until the Church question was removed. In conclusion, he would congratulate the House on the union of English, Scotch, and Irish Liberals on this matter.

Mr. LIDDELL said, that this was a great Imperial question, on the right decision of which the weal or woe of the Empire might very probably depend, and as he did not concur in either of the two sets of opinions which had been expressed during the debate he would venture briefly to address the House on the subject. Although serious crimes prevailed in Ireland which all must deplore, he did not believe that crime was innate in any class of our countrymen; but that if these agrarian outrages were committed there was a reason in the minds of the people for their commission, and not a love of the crime in itself. He was sorry to find a statesman on his own side, for whom he had the greatest respect, urging the Government to express a policy upon a question of a most difficult and most complicated, as well as a most important nature, in an abstract manner. Unless the Government had had time to mature a Bill on such a subject they ought not to be pressed to lay down, by anticipation, any abstract principles on which a future measure was to be based, because if they were to lay down such principles, and if they afterwards departed from them, they would disappoint the expectations of the people for whom they legislated. Therefore, as the Government believed they were engaged in a work that would pacify Ireland, although he did not agree with them in that belief, he must say he thought that was a sufficient excuse for their refusal to declare beforehand the basis of a measure which they had not yet prepared. What, however, he complained of was that the deplorable state of Ireland had been to some extent produced by the conduct and language of leading Members of the present Government. He would remind the President of the Board of Trade, with all respect, that, as a Member of the Cabinet, he could not speak as he did on platforms and on hustings—the responsibility of his public declarations must be shared by his Colleagues. The right hon. Gentleman said he was prepared to create a peasant proprietary in Ireland if he saw his way to it. Now that, if not absolutely impossible, would, at least, be attended with so much difficulty that the rights of property and the feelings both of the proprietors and occupiers of land in Ireland must be violated to carry out the right hon. Gentleman's principle. Such an expression of opinion on the part of a Minister, even before a Bill had been either framed or considered in the Cabinet, and before those very vague ideas had been embodied in anything like a fixed resolution, was most mischievous and dangerous, as it raised hopes that were doomed to disappointment. He believed the debate of that night would show the people of Ireland that the House of Commons was prepared, as far as it could, to do justice to all parties in that portion of the United Kingdom.

Sir JOHN GRAY remarked, during the four years which he had had the honour of occupying a seat in that House, he never heard of an occasion on which a number of hon. Gentlemen rose in succession, and declared that but for the wanton personal attacks made by a previous speaker they would have taken no part in the discussion. He hoped such an occasion would never again arise, and he regretted that he had himself to add another to the list of those who felt coerced to make a few remarks, with the indulgence of the House, on the unwarrantable observations made by the noble Lord the Member for Tyrone. The noble Lord attempted to wound his right hon. Friend the President of the Board of Trade through him, and he (Sir John Gray) felt it due to his right hon. Friend, felt it due to his own constituents, and, above all, due to that House to deal specifically with the allegations of the noble Lord. The noble Lord had stated that he (Sir John Gray) was put in prison for disloyalty. That statement was the reverse of truth. He was never accused of disloyalty; never tried for it; never even suspected of it. The noble Lord stated that he (Sir John Gray) was imprisoned for treason. To that, too, he would reply that the assertion was totally devoid of truth. He was never accused of treason, and it was never even imputed to him that he had been guilty of it. It was true that he was imprisoned, but he was unjustly imprisoned. He, in common with an illustrious Irishman (Mr. O'Connell) was accused of misdemeanor, based on constructive sedition, but though he was never tried he was convicted. [*Laughter.*] He repeated he was never tried, though he was fraudulently convicted, and unjustly imprisoned, and the accuracy of that statement he would demonstrate before he sat down. His case was a remarkable illustration of what Tory rule meant in Ireland some years ago. He, in common with a distinguished Member of that House, was arraigned, fraudulently convicted, and illegally punished. But instead of appealing to the passions of the people, they appealed to British law and British justice. They appealed to the House of Lords, and the illustrious Judge (Lord Denman), father of the hon. Member who then sat near, being one of the Law Lords who heard that appeal, delivered judgment, in which he denounced the so-called trial as a mockery, the conviction as fraudulently obtained, and the judgment and sentence illegal. That fraudulent judgment the House of Lords reversed as an outrage upon justice, and a disgrace to the administration of the law. A packed jury was put into the box, not to try the accused, but to record a conviction, and the judgment based on that conviction was cancelled, Lord Denman, in delivering the judgment of the Upper House, having declared that the so-called trial was "a mockery, a delusion, and a snare." He regretted to have been compelled to trespass on the patient indulgence of the House with reference to a matter of a personal nature; yet it was not altogether personal, for he hoped the time would never come when a Member, honoured by a seat in that House, would submit in silence to an imputation of disloyalty and treason. No man disloyal to the Throne or a traitor to that noble Constitution was deserving of a seat in that House. His presence would dishonour it, and the sooner such a man, if he existed, was removed from amongst them the better. He did not propose to discuss the question brought before them by the hon. Member for Liverpool. That was not the time to debate the land question. He, however, could not omit to congratulate the House on the tone of the speeches delivered, with the sole exception of the one speech he had already referred to. He congratulated the House on the important expression of opinion in favour of the claims of the tenant-farmer elicited from leading Members on both sides of the House, and especially on the zeal manifested on the Opposition Benches just now on that all-important subject. He felt with the hon. Member who preceded him (Mr. Liddell) that it was unfair to attempt to force the hand of the Government on that question at that time; and while he was gratified to find that the Government resisted that unfair attempt, they did not hesitate to repeat, when in power, all they said in favour of the tenant class when they were in Opposition. The right hon. Gentleman the late Secretary of State for the Home Department did not seem to think any change in the tenant law was required, and he complained that the right hon. Gentleman at the head of the Government seemed to place his reliance for social order and subordination on the law or remedial legislation, and not on new measures of repression. He complained that the Government, relying upon the power of the ordinary laws of the country vigorously administered, did not promise Coercion Acts, or Arms Acts, or Curfew Acts, but sought to combine with the force of existing laws for the repression of crime, remedial legislation for the admitted grievances of the people, and relied on these remedies for the production of that content which is so necessary to social order and the public peace. It was a remarkable accusation to make against a Government — they had no Coercion Acts in preparation. It was the first time since the connection of the two countries that such an accusation had been made. And it was a good omen for the future that they had then for the first time, men on the front Benches who relied on justice, not on force, for the production of contentment and subordination to the laws in Ireland. The right hon. Gentleman did not like the principle as to land legislation shadowed forth by any Member who took part in the debate, and he specially took exception to the words "fixity of tenure," as used in 1867 by the present Prime Minister. He (Sir John Gray) remembered well the circumstances under which that term was used, and the manner in which it was understood by those who heard it. The right hon. Gentleman did not assert the doctrine of fixity of tenure in the abstract. What he said was applied to a Bill which aimed at procuring moderate leases for the tenantry, and not fixed and irrevocable tenure. He did say—and he (Sir John Gray) remembered it well, for he carefully watched every word that fell from his lips on the occasion, inasmuch as the Bill the right hon. Gentleman was supporting was approved by nearly every Irish Liberal Member—he did say that that Bill was a leasing powers Bill in its essence, but that the compensation clauses inserted to provide for cases where no leases were granted would operate *pro tanto* as giving to a certain extent fixity of tenure, so far as it was desirable to have it. The right hon. Gentleman, he (Sir John Grey) understood, adhered to that principle, and was not to be driven from his purpose by even the phrase "fixity of tenure," or by any other phrase that was imported into this debate to defeat the just policy of rooting the people in the soil. A great deal had been said about the amount of crime that was found to exist in Ireland. Some four or five murders within the year were used as a pretext for fixing a brand of disgrace on the whole Irish people. Would hon. Members who thus maligned the Irish people look nearer home. His hon. Friend near him, the Member for Tralee (The O'Donoghue), moved some days since for a Return showing the extent of crime against person and property which existed in England. That Return was made that evening, and he had his hon. Friend's permission to use it. From that it appeared that in the last year there were 129 murders committed in England, sixty-one attempts at murder, 275 cases of manslaughter, and 676 cases of wounding, shooting, and stabbing with intent to do grievous bodily harm. Compare that fearful catalogue with the criminal statistics of Ireland. Those who examined that list ought to pause and reflect on the condition of their own country before they ventured to affix the stigma of infamy on the population of the sister island. He admitted that the four or five agrarian crimes that occurred in Ireland differed in their nature from those to which he adverted. He was not there to palliate or to mitigate the horror and detestation in which all good men held those agrarian crimes. Every Irish Member denounced their perpetration, and would give his active aid and support to the Government in bringing to speedy justice every person legally found to be identified with them. No terms are too strong to describe their detestation of those cruel deeds — no punishment too severe to inflict on the criminals. But who are to blame, the men who seek to remove the stimulants to these crimes, or the men who have relied when in power on coercion, and transportation, and the gibbet, and oppose themselves even now to all remedial measures? He would not intrude on the House after the explicit statement of Ministers by discussing the details of the tenant question. There would be a time for that hereafter. But he felt confident that there would be no permanent peace in Ireland till the tenant was made by law to feel secure in the enjoyment of the fruits of his industry — secure that the landlord by evicting him could not appropriate to his own use the creation of the tenant's hands. Give the people the fixed tenure which the northern landlord gives to his Protestant tenantry, and let them feel that those born on the land may, like the planted tree, take root and flourish without the risk of being uprooted at the caprice of any man, and there will be an end to agrarian crime, and the tenants will be the best friends of order, because they will be secure, prosperous, and happy.

MR. MACFIE rose, amid loud cries of "Divide." He had lived in Ireland more than thirty years, and in Liverpool he had been intimately connected with a large body of manufacturing Irish people, and he knew that they were amongst the most peaceable, the most industrious, and the most moral inhabitants of the country. During the recent elections the Liberal candidates were received with acclamation by the Irish portion of the constituencies, because they were pledged to support the Bill of the right hon. Gentleman. That right hon. Gentleman had given a pledge of what he would do when he came to the Land Tenure Bill, and he had framed a well-considered plan which would be satisfactory to both landlords and tenants.

THE O'FARRELL PAPERS.

QUESTION.

MR. NEWDEGATE asked, Whether the Government were prepared to produce the Report of the Australian Assembly, and the evidence relating to the case of O'Farrell; it appeared the Report was ordered to be suppressed, and that order was given in the Australian Assembly. He wished to ask the right hon. Gentleman at the head of the Government whether any communication had been made from the Government at home to the Colonial Government for the suppression of the Report?

MR. GLADSTONE intimated to the hon. Gentleman that, having already spoken on the question that the Speaker do leave the Chair, he could not reply to his Question.

GAME LAWS (SCOTLAND.)

MOTION FOR A ROYAL COMMISSION.

Sir JAMES ELPHINSTONE, in rising to move that the question of the Game Laws in Scotland be referred to a Royal Commission, said: Sir, it is well known that of late years the question of the Game Laws has excited very considerable agitation in Scotland, and there is an earnest desire for some change in the law. That being so, it is exceedingly desirable that some means should be taken to consider a state of things which had become very disagreeable to the owners of land, who had hitherto lived on terms of friendship and confidence with their tenants, but who now found that these relations had become embittered by the feeling that had arisen. Last Session two Bills on the subject of the Game Laws in Scotland were introduced; they were referred to a Select Committee, by whom they were thoroughly examined; but they came to nothing. In the present Session three Bills on the same subject had been introduced and read a first time; but before the second reading a Motion had been agreed to to refer the whole question to a Select Committee. Now, he wished to submit to the consideration of the House that no inquiry into this subject by a Select Committee of this House could have that exhaustive and satisfying quality which an investigation into the subject, conducted by a Royal Commission on the spot, would undoubtedly possess. He was perfectly certain that that method of dealing with this question would be more satisfactory to the people of Scotland. Whenever, upon previous occasions, questions relating to Scotland had been investigated by means of a Royal Commission, they had been dealt with in a far more satisfactory manner than if the inquiry had been conducted by a Select Committee. For these reasons he begged to move that the Order for the Select Committee be discharged, and that an Address be agreed to praying for the issue of a Royal Commission to inquire into the subject of the Game Laws in Scotland.

Mr. M'LAGAN, in seconding the Motion, said, that when the Motion for a Select Committee was made, he expressed an opinion to which he still adhered—that no inquiry on the subject was necessary; but that if any inquiry were to take place, it would be much more satisfactory if undertaken by a Royal Commission than by a Select Committee. His reasons for saying so were, in the first place, that there was not time to prosecute a satisfactory inquiry by means of a Select Committee this Session. The time of all hon. Members available for such inquiries was already fully occupied, and their duties were about to be increased by the Morning Sittings. Moreover, the constitution of the Committee was a matter of primary importance. It was customary to place on the Committee those Members who had already attempted to introduce legislation on the subject of inquiry, and these Gentlemen must necessarily be committed to their opinion on the question; and again hon. Members were selected who were known to entertain conflicting views; and the result would be that the subject was approached not with judicial impartiality, but with a considerable amount of prejudice. In a Royal Commission, on the other hand, all parties would be represented, and the Commission would be enabled to elicit the views, not only of proprietors and tenants, but those of the general public. Then as regards the taking of evidence, it would be far more easily taken by a Royal Commission on the spot in Scotland than it could be before a Select Committee sitting in London.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the question of the Game Laws in Scotland be referred to a Royal Commission,"—(*Sir James Elphinstone,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. ROBERTSON said, that foreseeing that the House was likely to be landed in a long discussion, to which he entertained a strong objection at that late hour, he begged to move the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. Robertson.*)

Motion, by leave, *withdrawn.*

Question again proposed, "That the words proposed to be left out stand part of the Question."

Mr. CRAUFURD: Sir, I trusted the House would not agree to the adjournment of the debate. What was required was inquiry without delay, and that was what the Select Committee would be able to effect. The Committee would present their Report this Session, and the subject would be ripe for legislation at the commencement of the next. A Royal Commission would only shelve the matter for two or three years, besides adding very seriously to the cost.

Mr. LOCH said, that as it was at his instance that the House agreed to the appointment of the Select Committee, he desired to say one or two words on the question before the House. His object in proposing the appointment of a Select Committee was that the question might receive the earliest and most satisfactory solution possible, through information being obtained and laid before the House that might enable legislation to take place next year. He thought so still; but if it was the opinion of the Government that a Royal Commission was the readiest way of accomplishing the end in view, he would be ready to waive his own opinion, though for his own part he could not but think that a Committee would afford the best and speediest means of contributing to the settlement of a question that creates much disturbance and much ill feeling throughout Scotland. The hon. Baronet (Sir James Elphinstone) had alluded to the uncomfortable feelings that now existed, and he would seek to remove the causes of it by the appointment of a Royal Commission; but he (Mr. Loch) must say that he viewed the motives of the hon. Baronet with some suspicion. This was a question of questions in Scotland; and it was the feeling which prevailed with reference to it that had driven the hon. Gentleman from Aberdeenshire to take refuge in Portsmouth, to enable him to find a footing in this House.. He suspected therefore that the Motion of the hon. Member, after the subject had been referred *bonâ fide* to a Select Committee, was not so much to speed a conclusion as to shelve the question, and he therefore saw no reason why the House should agree to the Resolution proposed by the hon. Baronet.

Mr. FORDYCE said, he seldom found his views in accord with those of the hon. Baronet (Sir James Elphinstone), but on this occasion he agreed with him, that if a Royal Commission were issued it would be far more likely to accomplish the object in view satisfactorily than would a Select Committee. On a Select Committee, there would be a certain number of gentlemen pledged to give reform, and a certain number pledged to give no reform, and the result would be that whatever Resolutions might be agreed to they would only be carried by a very narrow majority, and have little weight with the House. If, however, a Royal Commission were appointed, it would or might, and ought to be, composed of a few impartial men; it would go down to Scotland and there elicit the opinion of all parties who had anything to say upon the matter. He would therefore support the Motion of his hon. Friend.

The LORD ADVOCATE said, that having the other night discussed, considered, and decided the question whether a Committee should be appointed on this subject, he thought it rather early to re-open the question. But at any rate, at this late hour he had no desire to do so, and would suggest to the hon. Baronet that he should withdraw his Motion for the present, and move it again when the names of the Members to constitute the Select Committee were moved.

Amendment and Original Question, by leave, *withdrawn.*

Committee *deferred* till *Monday* next.

PARLIAMENT — YOUGHAL ELECTION.

MOTION FOR A NEW WRIT.

Mr. GLYN moved that a new Writ be issued for the representation of Youghal, in the room of Mr. Weguelin, who had been unseated on Petition.

Motion made, and Question proposed,

"That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Ireland to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of Youghal, in the room of Christopher Weguelin, esquire, whose Election has been determined to be void."—(*Mr. Glyn.*)

Mr. COLLINS said, he would move as as an Amendment that the issue of the Writ be postponed until the evidence taken on the petition was printed. The evidence taken on the trial of the petition, as it appeared in the newspapers, was extraordinary; and, although he deemed it prudent to have only one rule as regards the acceptance of the Judge's Report, still cases might arise, and it was possible Youghal was one of those cases, in which the evidence was of such a character as to justify at least the suspension of the Writ. Mr. Weguelin had given his evidence in a very straightforward manner, and it appeared from the *Irish Times* that he stated his expenses amounted to £4,812. But Mr. Justice O'Brien said the expenditure was more than that, and that it was even more than £5,000. Now, it had been laid down by Mr. Baron Martin that £9,000 was an extraordinarily large sum to spend in the town of Bradford with its 106,000 inhabitants, but Youghal had only 6,000 inhabitants and 278 electors, of whom Mr. Weguelin polled only 127, so that the contest cost him £40 a head. His experience of county constituencies was that they cost from 15*s*. to 30*s*. a head, although the voters were scattered; it therefore surprised him very much to find that the cost of Mr. Weguelin's ingratiating himself with the electors of Youghal came to £40 a head. No doubt another election would be a splendid thing for Youghal, if another £10,000 were to be spent in the town; but, as the House had waited for the evidence in the case of the Bradford Petition, it would not stand well before the country if it did not pause also in this case, and say some explanation was required for this extraordinary expenditure. The country, indeed, would not tolerate the House allowing such things to be perpetrated in one case, and then in another to turn up the whites of the eyes and talk of special legislation. If ever there was a case demanding special legislation, it was that of Youghal.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the issuing of a new Writ for Youghal be postponed until the Minutes of Evidence taken on the Election Petition be printed."—(*Mr. Collins.*)

THE ATTORNEY GENERAL FOR IRELAND (Mr. SULLIVAN) said, it would be unreasonable to suspend the Writ in this case; it was incumbent upon the House to abide by the legislation of last Session, and inasmuch as the Report of the Judge was most unequivocal as to the non-existence of general corruption, only one course was open to the House, and that was to issue the Writ. The result was arrived at after ten days' investigation before a most experienced and careful Judge. The hon. Member did not want the evidence; he was master of it already. Mr. Weguelin, unfortunately for himself, went down too early. He went there in July, and the election was not held until November.

MR. STAVELEY HILL said, that it was impossible that so large a sum could have been spent without corruption. The Act of Parliament did not forbid the issuing of a Commission, even although the Judge did not report that corrupt practices extensively prevailed.

THE ATTORNEY GENERAL said, that the hon. and learned Gentleman opposite appeared to have forgotten that an Act of Parliament was in existence which expressly stated that a Commission should be issued solely upon the Report of the Committee, for which the Report of the Judge was now substituted. If there was no power of issuing a Commission, there was no power to suspend the Writ. He desired to see a uniform practice adopted in these cases.

MR. FAWCETT said, he felt bound to support the Motion of the hon. Member for Boston (Mr. Collins). In the case of Bewdley, he and the sixty-five advanced Liberal Members who voted with him thought that there had been so much treating that it was due to the dignity of that House that the election should not immediately be held, and if that case was bad, that of Youghal was infinitely worse. He was anxious before the Writ was issued to see the evidence, and if it was in accordance with what had appeared in the newspapers, if no one else moved to suspend the Writ, he should do so himself. It was evident that there had been a grossly improper expenditure in this borough. He did not consider that Parliament in the legislation of last year had given up all power to act in grossly bad cases; and he thought this was a case in which the House should inflict the disgrace upon the borough of not permitting it to return a new Member, at all events, immediately.

SIR MICHAEL HICKS-BEACH said, he agreed with what had fallen from the Attorney General as far as concerned the suspension of the Writ, but he should vote for the Motion of the hon. Member for Boston (Mr. Collins), because he thought that the same course ought to be followed as had already been adopted in the case of Bewdley and Bradford, the Writs for which places were not issued until the evidence was printed. He believed that this would meet the view of Mr.

Weguelin, who, when charged with corrupting Youghal by illegal expenditure, had asked the House to suspend its judgment until they had seen a correct Report of the evidence. He wished to make an observation with regard to a practice which he was afraid was frequent on both sides, and which he strongly suspected had been adopted in this case—that of only laying sufficient evidence before the Judge to insure that a Member should be unseated, without entailing a suspension of the Writ or the issuing of a Commission to inquire into corrupt practices. It had also frequently happened that where an hon. Member lost his seat he sent a relation or a friend, who was elected in his stead out of gratitude by the electors, who regarded him somewhat in the light of an injured party. He saw in the Irish correspondence of *The Times* of the 16th of April a statement that there were two candidates for Youghal—one, Sir Joseph N. M'Kenna; the other, Mr. Montague Guest, the nominee of Mr. Weguelin; and that Mr. Montague Guest announced that he came forward as a friend of Mr. Weguelin. If this were true—and it had not been contradicted—it was clear that the constituency at large looked upon the excessive expenditure of Mr. Weguelin rather with favour than with the blame which it deserved; and nothing could more stimulate such a feeling, nor more encourage candidates in proceedings which—even if they were themselves unseated — might, at the worst, benefit their friends, than that, under these circumstances, a Writ should hastily be issued for a fresh election, without any opportunity being afforded to the House to arrive at a full knowledge of the evidence in so suspicious a case.

Mr. AYRTON said, the two cases referred to as those in which the Writs had been suspended were the first two of their kind; but since they had been disposed of the House had resolved not to print the evidence in any case in which there was not a necessity for doing so. No legitimate ground was stated in this case for printing the evidence; no hon. Gentleman alleged that he had reason to believe it would show that the certificate of the Judge, which was a particularly full one, was not well-founded. He submitted, therefore, that there was no other course open to the House but to issue the Writ.

Viscount GALWAY said, he thought a sufficient case had been made out for suspending the Writ till the evidence was printed.

Mr. DENMAN said, he did not think the case was at all a satisfactory one. He had always feared that the Judges would be too full of the milk of human kindness to act with the strictness which the House would require. The jurisdiction which Parliament had given to Judges in these cases might have to be re-considered as a general question; but he objected to go behind the decision of a Judge in particular cases. If the House did this, it would be constituting itself a Court of Appeal. The reason why his hon. Friend the Member for Brighton (Mr. Fawcett) supported the Bill of last year was that they might have a tribunal in which they could have confidence; but no means could be taken so certain to diminish confidence as to be always dragging the decisions of the tribunal before the House.

Mr. RAIKES said, there was in this case no appeal from the Judge or from the Court of Common Pleas. The question before the House was one of legislative policy, and the House ought to show that it was determined to set its face against reckless expenditure at elections. As the re-distribution of the Irish boroughs was still an open question, he thought it was particularly important that the Youghal case should be considered.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 102; Noes 70: Majority 32.

Main Question put, and *agreed to.*

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Ireland to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of Youghal, in the room of Christopher Weguelin, esquire, whose Election has been determined to be void.

House adjourned at half after One o'clock till Monday next.

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TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CXCV.

SECOND VOLUME OF SESSION 1868-9.

EXPLANATION OF THE ABBREVIATIONS.

In Bills, Read 1^{o}, 2^{o}, 3^{o}, or 1^{a}, 2^{a}, 3^{a}, Read the First, Second, or Third Time.—In Speeches, 1R., 2R., 3R., Speech delivered on the First, Second, or Third Reading.—*Amendt.*, Amendment.—*Res.*, Resolution.—*Comm.*, Committee.—*Re-Comm.*, Re-Committal.—*Rep.*, Report.—*Consid.*, Consideration.—*Adj.*, Adjournment or Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*M. Q.*, Main Question.—*O. Q.*, Original Question.—*O. M.*, Original Motion.—*P. Q.*, Previous Question.—R. P., Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st. Div.*, 2*nd. Div.*, First or Second Division.—*l.*, Lords.—*c.*, Commons.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

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  Moved, "That an humble Address, &c." (*Mr. Attorney General for Ireland*) *April* 29, 1935; after short debate, Motion agreed to; Message to the Lords thereon
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  Question, Lord Robert Montagu; Answer, Mr. W. E. Forster *April* 22, 1363; *April* 23, 1467; Questions, Mr. Corrance; Answers, Mr. W. E. Forster *April* 27, 1696

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Colonial Offenders Removal Bill [h.l.]
(*The Earl Granville*)
l. Presented; read 1ª * *April* 9 (No. 46)
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Colonial Prisoners Removal Bill [h.l.]
(*The Earl Granville*)
l. Presented; read 1ª * *April* 13 (No. 55)
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c. Read 1° * *April* 22 [Bill 92]
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(*The Earl Granville*)
l. Report * *April* 5 (No. 9)
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Consolidated Fund (£17,100,000) Bill
c. Ordered * *April* 22
Read 1° * *April* 23
Read 2°, after short debate *April* 26, 1647
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Constabulary Returns
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Contagious Diseases (Animals) (No. 2) Bill
(*Mr. Dodson, Mr. W. E. Forster, Mr. Secretary Bruce*)
c. Moved, "That the Bill be now read 2°" *April* 8, 434; after short debate, Bill read 2° [Bill 38]

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(*Mr. Ayrton, Mr. Chancellor of the Exchequer*)
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County Coroners Bill
(*Mr. Goldney, Mr. Thomas Chambers, Mr. Pease*)
c. Motion for Leave (*Mr. Goldney*) *April* 13, 752; Bill ordered; read 1°* [Bill 75]

Court of Common Pleas (County Palatine of Lancaster) Bill
(*Mr. West, Mr. Bazley, Mr. Davison*)
c. Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" (*Mr. West*) *April* 5, 217
Amendt. to leave out from "That," and add "this House will, upon this day six months, resolve itself into the said Committee" (*Mr. Serjeant Simon*); Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn; main Question, "That Mr. Speaker, &c.," agreed to; Committee—R.P.
Committee*; Report *April* 19 [Bill 26]
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Read 3°* *April* 26
l. Read 1ª* *April* 27 (No. 79)

Court of Exchequer (Ireland) Offices Bill
(*Colonel French, Mr. M'Mahon*)
c. Ordered; read 1°* *April* 7 [Bill 63]

Courts of Justice Salaries and Funds Bill
(*Mr. Dodson, Mr. Chancellor of the Exchequer, Mr. Ayrton*)
c. Resolutions reported, and agreed to; Bill ordered; read 1°* *April* 23 [Bill 96]

Courts of Justice—the New
Question, Mr. W. H. Smith; Answer, Mr. Layard *April* 8, 356
Site of the New Courts, Moved, "That, in the opinion of this House, it is desirable to reconsider the question of Carey Street as the site of the New Law Courts, inasmuch as the Thames Embankment, between the Temple and Somerset House, now offers many advantages for the erection of such buildings" (*Mr. W. H. Gregory*) *April* 20, 1202
Amendt. to leave out from "desirable," and add "to proceed as soon as possible with the erection of the New Law Courts, and the offices connected therewith, upon the site appropriated for that purpose by the Act 28 and 29 Vic. c. 49; and that if additional land be necessary for the proper erection of such Courts and offices, such additional land ought to be acquired in immediate proximity to that site" (*Sir Roundell Palmer*); Question proposed, "That the words, &c.;" after long debate, Debate adjourned
Question, Mr. W. H. Gregory; Answer, Mr. Layard *April* 27, 1699

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Cross, Mr. R. A., *Lancashire, S.W.*
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Cumberland and Westmoreland—Lord Lieutenant of
Motion for an humble Address praying Her Majesty to revoke the appointment of Henry Lowther, Esq., to be Lord Lieutenant of the Counties of Cumberland and Westmoreland (*Mr. Charles Howard*) *April* 13, 728; after debate, Motion withdrawn

Customs and Inland Revenue Duties Bill (*Mr. Dodson, Mr. Chancellor of the Exchequer, Mr. Ayrton*)
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  (*Mr. Ayrton, Mr. Chichester Fortescue*)
c. Read 3ª* *April* 1 [Bill 55]
l. Read 1ª* *April* 5 (No. 39)

Dublin City Election
  Moved, "That an humble Address, &c." (*Mr. O'Reilly*) *April* 20, 1270
  Amendt. to leave out from "That," and add "Mr. Speaker do issue his Warrant to the Clerk of the Crown in Ireland to make out a new Writ for the electing of a Citizen to serve in this present Parliament for the City of Dublin, in the room of Sir Arthur Edward Guinness, baronet, whose Election has been determined to be void" (*Mr. Collins*); Question proposed, "That the words, &c.;" after debate, Question put; A. 192, N. 120; M. 72; main Question put, and agreed to; Message to the Lords thereon
l. Message from the Commons *April* 22

Duff, Mr. M. E. Grant (Under Secretary of State for India), *Elgin, &c.*
  India—Questions, &c.
    Accounts, 1578
    Banda and Kirwee Prize Money, 1580
    Finance, 478
    Indian Field Officers, 2
    Jungera, Nawab of, 231
    Muscat and Zanzibar, 1581
    Rangoon and Western China, 1356
  Navy—"Crocodile" Transport, 1198

Duff, Mr. R. W., *Banffshire*
  Imperial Gas, 2R. 1787

Dufferin, Lord (Chancellor of the Duchy of Lancaster)
  Common Law Courts (Ireland), 3R. 339
  Ireland—Sale of Tithe Rent-Charge, &c. Motion for Returns, 451
  Salmon Fisheries (Ireland), 2R. 571, 572
  Tenure (Ireland), Comm. 1569

Duncombe, Hon. Colonel O., *Yorkshire, N.R.*
  Mines, Rating of, 1582

Durham County Courts
  Question, Mr. Henderson; Answer, Mr. Ayrton *April* 16, 976

East India Irrigation and Canal Company Bill (*The Duke of Argyll*)
l. Read 2ª* *April* 5 (No. 31)
  Committee*; Report *April* 6
  Committee* *April* 8
  Report* *April* 9
  Read 3ª* *April* 12
  Royal Assent *April* 19 [32 *Vict.* c. 7]

Eastwick, Mr. E. B., *Penryn, &c.*
  Asia, Central, 362
  Post Office—New York Mails, 1583

Eaton, Mr. H. W., *Coventry*
  Police Interference, 477

Ecclesiastical Commissioners — Estates of the Dean and Chapter of Lichfield
  Question, Lord George Cavendish; Answer, Mr. Acland *April* 13, 676

Ecclesiastical Courts Bill [h.l.]
  (*The Earl of Shaftesbury*)
l. Moved, "That the Bill be now read 2ª" *April* 15, 808; after debate, Motion agreed to; Bill read 2ª, and referred to a Select Committee; List of the Committee, 840 (No. 2)

Ecclesiastical Courts Bill
Clergy Discipline and Ecclesiastical Courts Bill [h.l.]
l. After short debate, Question, "That the Committee do consist of fifteen Members," put, and agreed to *April* 22, 1351 (No. 26)
  After short debate, Committee nominated List of the Committee *April* 26, 1536

Ecclesiastical Dilapidations Bill [h.l.]
  (*The Lord Archbishop of York*)
l. Moved, "That the Bill be now read 2ª" *April* 29, 1818; after short debate, Motion withdrawn (No. 25)

Ecclesiastical Dilapidations (No. 2) Bill [H.L.] (*The Lord Archbishop of York*)
l. Presented; read 1ª* *April* 29 (No. 82)

Education of Children Bill [H.L] (*The Marquess Townshend*)
l. Presented; read 1ª* *April* 29 (No. 88)

EGERTON, Hon. A. F., *Lancashire, S.E.*
Irish Church, Comm. *cl.* 2, 1042

EGERTON, Hon. Captain F., *Derbyshire, E.*
Marriage with a Deceased Wife's Sister, 2R. 1297
Navy Estimates—Dockyards, &c. 123

EGERTON, Hon. W., *Cheshire, Mid.*
Parliament—Crypt under St. Stephen's Chapel, 676

EGERTON, Mr. E. C., *Cheshire, E.*
Contagious Diseases (Animals) (No. 2), 2R. 434

ELCHO, Lord, *Haddingtonshire*
Army Estimates—Martial Law, 661
  Militia, 667
Game Laws (Scotland), Motion for a Committee, 1715, 1718
Parliament—House of Commons Arrangements, Res. 282, 285

Election Petitions—Corrupt Practices Commissions
Question, Lord Henry Thynne; Answer, The Attorney General *April* 30, 1975

ELLENBOROUGH, Earl of
Governor General of India, Comm. 131

ELPHINSTONE, Sir J. D. H., *Portsmouth*
Beverley Election, Motion for an Address, 564
Endowed Hospitals, &c. (Scotland), Leave, 756
Game Laws (Scotland), Motion for a Commission, 2065
Government Reductions and Emigration, 991
Ireland—State of, 2032
Irish Church, Comm. *cl.* 14, Motion for reporting Progress, 1155, 1156
Navy—Dockyard Distress, 47, 49
Navy Estimates—Coastguard Service, 83, 97, 98
  Half Pay, 216
  Marine Divisions, 185
  Salaries, Amendt. 77, 83
  Steam Machinery, 204, 206
  Victualling Yards, &c. 183

Emigration and Pauperism
Observations, Lord Houghton; Reply, Earl Granville; debate thereon *April* 16, 943
Emigration Commission, Question, Mr. Hardcastle; Answer, Mr. Monsell *April* 12, 579

Endowed Hospitals, &c. (Scotland) Bill (*The Lord Advocate, Mr. Secretary Bruce, Mr. Adam*)
c. Motion for Leave (*The Lord Advocate*) *April* 13, 755; Bill ordered
Read 1°* *April* 14 [Bill 79]
Read 2°* *April* 22

Endowed Schools Bill (*Mr. W. E. Forster, Mr. Secretary Bruce*)
c. Moved, "That the Select Committee do consist of Twenty-one Members" (*Mr. W. E. Forster*) *April* 1, 23; after short debate, Motion agreed to; List of the Committee, 24
Moved, "That the Select Committee do consist of Twenty-two Members" (*Mr. Crawford*); after short debate, Motion agreed to; Mr. Alderman Lawrence added *April* 2, 123
Moved, "That the Select Committee do consist of Twenty-three Members" (*Mr. James Lowther*); after short debate, Question negatived, 124 [Bill 3]

ENFIELD, Viscount, *Middlesex*
Abyssinian Expedition, 30
Metropolis—Nighthouses, 1852

ERSKINE, Vice Admiral J. E., *Stirlingshire*
Navy Estimates—Coastguard Service, 83, 86, 97
  Dockyards, &c. 114
  Steam Machinery, 206

ESMONDE, Sir J., *Waterford Co.*
Irish Church, Comm. *cl.* 27, 1870

Evidence Amendment Bill—*Formerly* **Law of Evidence Bill**
(*Mr. Denman, Mr. Locke King, Mr. Locke*)
c. Moved, "That the Bill be now read 2°" *April* 28, 1798
Amendt. to leave out "now," and add "upon this day six months" (*Mr. Staveley Hill*); after short debate, Question, "That 'now,' &c." put, and agreed to; main Question put, and agreed to; Bill read 2° [Bill 25]

EWING, Mr. H. E. CRUM- *Paisley*
Irish Church, Comm. *cl.* 22, 1516

EXCHEQUER, CHANCELLOR of the, *see* CHANCELLOR of the EXCHEQUER

EXETER, Marquess of
Militia, Comm. 1846

EYKYN, Mr. R., *Windsor*
India—Nawab of Jungera, 231

Factory Acts—Hours of Labour
Question, Mr. Muntz; Answer, Mr. Bruce *April* 29, 1851
Workshops Regulation Act in Birmingham, Question, Mr. Akroyd; Answer, Mr. Bruce *April* 12, 583

Fawcett, Mr. H., *Brighton*
Army—Expenditure on Fortifications, 232, 233
Civil and Diplomatic Appointments, Res. 480, 487
Inclosure Act, Motion for a Committee, 1286
Inclosure of Lands, 3R. Amendt. 547, 679, 680
Irish Church, Comm. *cl.* 18, 1487
Parliament—Youghal Election, New Writ, 2070
Wisley Common, Motion for a Committee, 128

Feversham, Earl of
Life Peerages, 2R. 1676

Fine Arts Copyright Consolidation and Amendment Bill [H.L.]
(*The Lord Westbury*)
l. Bill withdrawn* *April* 12 (No. 17)

Fine Arts Copyright Consolidation and Amendment (No. 2) Bill [H.L.]
(*The Lord Westbury*)
l. Presented; read 1ª* *April* 12 (No. 51)
Moved, "That the Bill be now read 2ª" *April* 30, 1936; after short debate, Motion agreed to; Bill read 2ª, and referred to a Select Committee; List of the Committee, 1945

Fire Insurances
Moved, "That, in the opinion of this House, the Duty on Fire Insurances should be, at the earliest opportunity, reduced to 6*d.* per cent in place of the Duty of 1*s.* 6*d.* per cent now charged; and that such a reduction would have a tendency to improve the Revenue by inducing the insurance of property now uninsured" (*Mr. H. B. Sheridan*) *April* 6, 305; after short debate, Debate adjourned

Fletcher, Mr. J., *Cockermouth*
Lord Lieutenant (Cumberland and Westmoreland), Motion for an Address, 746

Fordyce, Mr. W. D., *Aberdeenshire, E.*
Game Laws (Scotland), Motion for a Commission, 2067
Scotland—Salmon Fisheries, 1196
Sea Birds Preservation, Consid. Amendt. 557

Forster, Mr. C., *Walsall*
Ways and Means—Financial Statement, 414

Forster, Right Hon. W. E. (Vice President of the Committee of Council on Education), *Bradford*
Beverley Election, Motion for an Address, 564
Cattle Plague—Diseased Foreign Sheep, 1363, 1364, 1468, 1696, 1698
Contagious Diseases (Animals) (No. 2), 2R. 447
Endowed Schools, Motion for a Committee, 23, 24, 123, 124
Pharmacy Act Amendment, Comm. 1933

Fortescue, Right Hon. Chichester S. (Chief Secretary for Ireland), *Louth Co.*
Ireland—Questions, &c.
  Agrarian Outrages, 1850
  Beerhouses, Licensing of, 309
  Church Leases, 1095
  Cork, Mayor of, 359
  Education—Salaries of Teachers, 1698
  Fenian Prisoners, 357
  Fisheries Commission, 358
  Londonderry, Riot in, 1848
  Maynooth College, 50
  Prisons, 1855
  St. Patrick's Day in Dublin, 230
  State of, 1990, 2052
  Tarleton, Captain—Assassination, 1849
Ireland—Irish Society, The, Motion for a Commission, 720
Irish Church, Comm. *cl.* 10, 1104, 1105; *cl.* 13, 1134, 1136; *cl.* 14, 1138, 1375; *cl.* 15, 1398; *cl.* 18, 1414, 1478; *cl.* 22, 1517; *cl.* 23, 1528; *cl.* 25, 1597, 1605, 1614; *cl.* 26, 1628, 1629; *cl.* 27, 1629; *cl.* 29, 1918, 1922, 1929
Parliament—Morning Sittings, 1980
Poor Law (Ireland) Act Amendment, 2R. 327, 335

Fothergill, Mr. R., *Merthyr Tydvil*
Ireland—State of, 2002

Fowler, Mr. R. N., *Penryn, &c.*
Ireland—St. Patrick's Day in Dublin, 230
Irish Church, Comm. *cl.* 12, 1121
Post Office—West India Mails, 574

Fowler, Mr. W., *Cambridge Bo.*
Ways and Means—Financial Statement, 425
Ways and Means, Res. (Corn, &c.), 617

French, Right Hon. Colonel F., *Roscommon Co.*
Church Rates—Private Acts, 1854
Ireland—Irish Society, The, Motion for a Commission, 715
Parliament—House of Commons Arrangements, Res. 270

Friendly Societies
Observations, Mr. E. Richards; Reply, Mr. Bruce; short debate thereon *April* 9, 508

Galway, Viscount, *Retford* (*East*)
Parliament—Youghal Election, New Writ, 2072

Game Laws (*Scotland*)
Moved, That a Select Committee be appointed "to inquire into the operation and effect of the Laws in Scotland relating to Game" (*Mr. Loch*) *April* 27, 1713; after debate, Motion agreed to; Select Committee appointed
Amendt. on Committee of Supply *April* 30, To leave out from "That," and add "the question of the Game Laws in Scotland be referred to a Royal Commission" (*Sir James Elphinstone*) *April* 30, 2065; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

GARLIES, Lord, *Wigtonshire*
Army—Branding in the, 573
Army Estimates—Hospital Establishment, 666
  Martial Law, 662
Scotland—Portpatrick Harbour, 983

GILPIN, Colonel R. T., *Bedfordshire*
Irish Church, Comm. *cl.* 18, 1413, 1416; *cl.* 29, 1932
Militia, Comm. 1417

GLADSTONE, Right Hon. W. E. (First Lord of the Treasury), *Greenwich*
Asia, Central, 362
Bishops, Retirement of, 581
Church Temporalities (Ireland) Commissioners, Comm. 1531
Civil and Diplomatic Appointments, Res. 494
Civil Service Appointments, 40
Courts of Justice, New, Res. 1268
Episcopal Clergy, Disabilities of the, 1466, 1467
Financial Statement—Corn Duty, 479
Fire Insurances, Res. 308
Inclosure of Lands, 3R. 557
Ireland—Questions, &c.
  Church Leaseholds, 1096
  Impropriate Tithe Rent-Charge, 1974
  Irish Clergy, Future Status of the, 1198
  Maynooth College, 316, 680
  Railways, Purchase of, 1577
  Sligo Election, 974
  State of, 2020, 2024, 2025, 2053
Irish Church, 356; Comm. 924; *cl.* 2, 1044, 1058; *cl.* 3, 1099, 1100; *cl.* 7, 1100; *cl.* 10, 1101, 1106; *cl.* 12, 1109; Amendt. 1110, 1111, 1116; *cl.* 13, 1137; *cl.* 14, 1152. Motion for reporting Progress, 1157, 1357, 1367, 1370; Amendt. 1378, 1379, 1384, 1385, 1386; *cl.* 15, 1387, 1389, 1392; Amendt. 1401, 1402, 1403, 1404; *cl.* 16, Amendt. 1404, 1408; *cl.* 17, Amendt. 1410, 1411, 1412; *cl.* 18, 1412, 1413, 1415, 1416, 1475, 1485, 1488; *cl.* 19, 1489; *cl.* 20, 1495, 1497, 1504; *cl.* 22, 1510, 1514, 1517; *cl.* 23, 1520, 1521; *cl.* 24, 1585; *cl.* 25, 1592, 1596, 1598, 1600, 1601, 1602, 1603, 1614, 1615, 1616; *cl.* 26, 1624, 1628; *cl.* 27, 1633, 1634, 1644, 1645, 1646, 1647, 1856; *cl.* 28, 1881; *cl.* 29, 1904, 1922, 1927, 1931, 1932
Irish Church—Morning Sittings, 1856
Irish Church—Organists, 1197
Local Taxation, 978
Lord Lieutenant (Cumberland and Westmoreland), Motion for an Address, 748
Navy Estimates—Salaries, 80
O'Farrell Papers, 1468, 1470, 1584, 1854, 2064
Official Salaries, 27
Park Lane and Piccadilly Thoroughfare, Motion for Papers, 757
Parliament—Business of the House, 846, 1470, 1472
Parliament—House of Commons Arrangements, Res. 301, 302
Parliament—Morning Sittings, Res. 1975, 1978, 1980, 1981
Post Office—Inland Postage, Res. 256
Supply—Civil Service Estimates, Vote on Account, 530, 543
Ways and Means—Financial Statement, 411, 414
Ways and Means, Res. (Corn, &c.), 598, 600
Wisley Common, Motion for a Committee, 127

GLOUCESTER and BRISTOL, Bishop of
Increase of the Episcopate, 2R. 1344

GLYN, Mr. G. G., *Shaftesbury*
Parliament—Youghal Election, New Writ, 2068

GOLDNEY, Mr. G., *Chippenham*
Copyhold, Inclosure, and Charity Commissions, 141
County Coroners, Leave, 752
Imperial Gas, Consid. 1788
Inclosure of Lands, 3R. 555
Irish Church, Comm. *cl.* 13, Amendt. 1124, 1126; *cl.* 14, 1152; *cl.* 18, Amendt. 1412, 1413, 1415, 1473, 1479
Parliament—Business of the House, 1472
Supply—Civil Service Estimates, Vote on Account, 538
Ways and Means—Financial Statement, 409

GOLDSMID, Sir F. H., *Reading*
Bankruptcy, 2R. 166
Married Women's Property, 2R. 792

GORE, Mr. W. R. ORMSBY- *Leitrim Co.*
Ireland—Railways, Purchase of, 1577

GOSCHEN, Right Hon. G. J. (Chief Commissioner of the Poor Law Board), *London*
Assessed Rates, 842
Hospitals, &c. Rating Exemption, 2R. 1816
Local Taxation, 358
Orphan Pauper Children, 971
Poor Law—Gilbert Unions, 1195, 1196
  Kensington Sick Asylum District, 841
  Metropolitan Lunatic Asylums, 1355
Vagrancy, 1096
Valuation of Property (Metropolis), 2R. 22, 359

GOURLEY, Mr. E. T., *Sunderland*
Ways and Means, Res. (Corn, &c.), 624

Government Annuities, &c. Bill
(*The Marquess of Hartington, Mr. Chancellor of the Exchequer, Mr. Stansfeld*)
c. Ordered; read 1° * *April* 9 [Bill 70]

Government of India Act Amendment Bill
(*The Duke of Argyll*)
l. Notice (*The Duke of Argyll*) *April* 6, 222
Presented; read 1ª, after debate *April* 19, 1069
Moved, "That the Bill be now read 2ª" *April* 29, 1821; after short debate, Motion agreed to; Bill read 2ª (No. 62)

Governor General of India Bill [H.L.]
(*The Duke of Argyll*)
l. Committee *April* 5, 130 (No. 16)
Report * *April* 9 (No. 42)
Read 3ª * *April* 19
c. Read 1° * *April* 21 [Bill 89]

Granville, Earl (Secretary of State for the Colonies)
- Coronation Oath, 1066, 1069
- Ecclesiastical Courts, &c. 2R. 833; Nomination of Committee, 1353, 1536
- Increase of the Episcopate, 2R. 1350
- Ireland—Agrarian Outrages, 1533, 1534, 1535
  - Mayor of Cork—Assassinations, 1951
  - State of, 1956, 1971
- Life Peerages, 1R. 469, 471; 2R. 1662, 1665
- Pauperism and Emigration, 952
- Representative Peers for Scotland and Ireland, 2R. 1690, 1691
- Salmon Fisheries (Ireland), 2R. 572
- Tenure (Ireland), 2R. 1163, 1190; Comm. 1536, 1557, 1558, 1560, 1571

Graves, Mr. S. R., *Liverpool*
- Ireland—Agrarian Outrages, 1851
  - State of, 1982
- Irish Church, Comm. *cl.* 2, 1024; *cl.* 14, 1150
- Navy Estimates—Coastguard Service, 85
  - Steam Machinery, 206
- Post Office—Inland Postage, Res. 233, 252

Gravesend County Court
- Question, Sir Charles Wingfield; Answer, Mr. Ayrton *April* 26, 1579

Gray, Sir J., *Kilkenny Bo.*
- Imperial Gas, Consid. 1795
- Ireland—State of, 2060
- Irish Church, Comm. *cl.* 23, 1529; *cl.* 25, 1616; *cl.* 27, 1874

Gray, Colonel W., *Bolton*
- India—Rangoon and Western China, 1356

Greene, Mr. E., *Bury St. Edmunds*
- Coal Mines, Accidents in, 359
- Game Laws (Scotland), Motion for a Committee, 1734
- Irish Church, Comm. 891; *cl.* 2, 1043

Greenwich Hospital Bill
(*Mr. Trevelyan, Mr. Childers, Mr. Adam*)
c. Motion for Leave (*Mr. Trevelyan*) *April* 27, 1701; Bill ordered, after short debate

Gregory, Mr. G. B., *Sussex, E.*
- Bankruptcy, 2R. 154
- Courts of Justice, New, Res. 1239
- Irish Church, Comm. *cl.* 14, 1156, 1385; *cl.* 22, 1516; *cl.* 29, Amendt. 1881, 1886
- Waterloo and Whitehall Railway, 972

Gregory, Mr. W. H., *Galway Co.*
- Courts of Justice, New, Res. 1202, 1248, 1270, 1699
- Irish Church, Comm. *cl.* 18, 1485; *cl.* 25, 1602, 1608; *cl.* 29, 1932
- Poor Law (Ireland) Act Amendment, 2R. 331

Greville-Nugent, Colonel F. S., *Longford Co.*
- Ireland—Dublin Election, Motion for a Commission, 1273
- Irish Church, Comm. *cl.* 25, 1594; *cl.* 26, 1617, 1623, 1627; *cl.* 27, 1865

Grey, Earl
- Habitual Criminals, Comm. *cl.* 10, 225; *cl.* 12, 228
- Ireland—State of, 1963
- Pauperism and Emigration, 961
- Representative Peers for Scotland and Ireland, 1R. 473, 475; 2R. 1679, 1691
- Tenure (Ireland), 2R. 1168; Comm. 1542

Grey, Right Hon. Sir G., *Morpeth*
- Ireland—Dublin Election, Motion for a Commission, 1285
- Irish Church, Comm. *cl.* 10, 1104; *cl.* 27, 1871
- Marriage with a Deceased Wife's Sister, 2R. 1311

Grieve, Mr. J. J., *Greenock*
- Ways and Means—Financial Statement, 427

Grosvenor, Hon. Captain R. W., *Westminster*
- Parliament—Business of the House, 846

Guest, Mr. A. E., *Poole*
- Army Estimates—Martial Law, 662
- Thames Embankment—South Side, 1464

Gurney, Right Hon. Russell, *Southampton*
- Ireland—Irish Society, The, Motion for a Commission, 717
- Married Women's Property, 2R. 760

Habitual Criminals Bill
(*The Lord Privy Seal*)

l.	Report, after debate *April* 6, 222	(No. 32)
	Read 3ª* *April* 8	(No. 41)
c.	Read 1º* *April* 12	[Bill 73]

Halifax, Viscount
- Ecclesiastical Dilapidations, 2R. 1820
- Government of India Act Amendment, 1R. 1083; 2R. 1843

Hamilton, Right Hon. Lord C., *Tyrone Co.*
- Ireland—Sligo Election, 973
  - State of, 2003, 2008, 2013
- Irish Church, Comm. *cl.* 12, 1116; *cl.* 15, 1403; *cl.* 26, 1628; *cl.* 29, 1930
- Parliament—Business of the House, Morning Sittings, Res. 1975
- Poor Law (Ireland) Act Amendment, 2R. 336
- Sunday Trading, Comm. 805

Hamilton, Lord G. F., *Middlesex*
- Army Estimates—Military Stores, 668

Hamilton, Mr. E. W. T., *Salisbury*
- India—Accounts, 1578

Harcourt, Mr. W. Vernon, *Oxford City*
- Evidence Amendment, 2R. 1812
- Irish Church, Comm. *cl.* 14, 1373, 1384; *cl.* 15, 1394, 1400; *cl.* 29, 1895
- Parliament—House of Commons Arrangements, Res. 289

Hardcastle, Mr. J. A., *Bury St. Edmunds*
- Emigration Commission, 579
- Post Office—North German Confederation, 1584

Hardinge, Viscount
- Militia, Comm. 1843

Hardwicke, Earl of
- Naval Stores, 2R. 673
- Navy—Armament of Turret Ships, 350

Hardy, Right Hon. Gathorne, *Oxford University*
- Criminal Law—Liberation of Sir E. Wilmot, 1202
- Ireland—Dublin Election, Motion for a Commission, 1272, 1277, 1281, 1283
- Ireland—State of, 2049
- Irish Church, Comm. *cl.* 3, 1099, 1100; *cl.* 10, Amendt. 1100, 1104, 1105; *cl.* 12, Amendt. 1109, 1111; *cl.* 13, 1135; Amendt. 1136; *cl.* 14, Amendt. 1137, 1156; *cl.* 17, 1411; *cl.* 20, 1501; *cl.* 22, 1511; *cl.* 25, 1599, 1604, 1605; Amendt. 1613, 1614, 1617; *cl.* 27, 1647; *cl.* 29, Amendt. 1922, 1927
- Norwich Election, Motion for an Address, 14

Hardy, Mr. J., *Warwickshire, S.*
- Irish Church, Comm. *cl.* 18, 1484

Hardy, Mr. J. Stewart, *Rye*
- Irish Church, Comm. *cl.* 27, 1873

Harrowby, Earl of
- Ecclesiastical Courts, 2R. 838
- Habitual Criminals, Comm. *cl.* 12, 229
- Ireland—State of, 1966

Hartington, Right Hon. Marquess of (Postmaster General), *New Radnor*
- Post Office—Questions, &c.
  - Communication with South Wales, 1582
  - New York Mails, 1583
  - North German Confederation, 1585
  - West India Mails, 575, 842
- Post Office—Inland Postage, Res. 246
- Telegraphs, 845

Hatherley, Lord (see **Chancellor**, The Lord)

Hay, Lord J. (Lord of the Admiralty), *Ripon*
- Navy Estimates—Victualling Yards, &c. 182

Hay, Rear-Admiral Sir J. C. D., *Stamford*
- Navy Estimates—Coastguard Service, 91, 94
  - Half Pay, 216
  - New Works, 212
  - Salaries, 73, 82
  - Victualling Yards, &c. 184
- Rule of the Road at Sea, 1465
- Scotland—Portpatrick Harbour, 985

Headlam, Right Hon. T. E., *Newcastle-upon-Tyne*
- Army—Military Labour, Res. 657
- Contagious Diseases (Animals) (No. 2), 2R. 444
- Parliament—House of Commons Arrangements, Res. 258, 304, 1467
- Parliament—Morning Sittings, 1978

Henderson, Mr. J., *Durham (City)*
- Army—Retirement of Officers, 1095
- Durham County Courts, 976

Henley, Right Hon. J. W., *Oxfordshire*
- Assessed Rates, 842
- Beerhouses, &c. 2R. 1768
- Courts of Justice, New, Res. 1266
- Irish Church, Comm. *cl.* 20, 1499
- Married Women's Property, 2R. 790
- Valuation of Property (Metropolis), 2R. 17
- Ways and Means, Res. (Corn, &c.), 613

Henniker-Major, Hon. J. M., *Suffolk, E.*
- Cattle Disease—Importation of Diseased Sheep, 1697

Herbert, Right Hon. Major-General Percy E., *Shropshire, S.*
- Army—Military Labour, Res. 658
- Army—Militia, 667
- Irish Church, Comm. *cl.* 14, 1385
- Militia, 3R. 1532

Herbert, Mr. H. A., *Kerry Co.*
- Irish Church, Comm. *cl.* 12, 1114; *cl.* 18, 1415

Hermon, Mr. E., *Preston*
- Ways and Means—Financial Statement, 421
- Ways and Means, Res. (Corn, &c.), 593

Heygate, Sir F. W., *Londonderry Co.*
- Beverley Election, Motion for an Address, 565
- Ireland—Education—Salaries of Teachers, 1698
  - Londonderry, Riot in, 1848
- Ireland—Irish Society, The, Motion for a Commission, 725
- Irish Church, Comm. *cl.* 12, 1119; *cl.* 14, 1148, 1357; *cl.* 26, 1619; *cl.* 29, Amendt. 1927
- Scotland—Portpatrick Harbour, 360

Hibbert, Mr. J. T., *Oldham*
- Beerhouses, &c. 2R. 1781
- Savings Banks, 1582

Hill, Mr. A. Staveley, *Coventry*
Bankruptcy, 2R. 164
Evidence Amendment, 2R. Amendt. 1805
Imprisonment for Debt, 2R. 174
Ireland—Dublin Election, Motion for a Commission, 1281
Irish Church, Comm. *cl.* 2, 1038
Lord Lieutenant (Cumberland and Westmoreland), Motion for an Address, 744
Married Women's Property, 2R. 779
Parliament—Youghal Election, New Writ, 2070

Hoare, Sir H. A., *Chelsea*
Game Laws (Scotland), Motion for a Committee, 1734
Horses, Tax on, 1097
Imperial Gas, Consid. 1797
Irish Church, Comm. *cl.* 12, 1116

Hodgson, Mr. W. N., *Cumberland, E.*
Lord Lieutenant (Cumberland and Westmoreland), Motion for an Address, 745

Holt, Mr. J., M., *Lancashire, N.E.*
Irish Church, Comm. 879; *cl.* 12, 1123

Hope, Mr. A. J. Beresford, *Cambridge University*
Courts of Justice, New, Res. 1231
Irish Church, Comm. *cl.* 15, 1390; *cl.* 19, 1491, *cl.* 22, 1509; *cl.* 25, 1616
Marriage with a Deceased Wife's Sister, 2R. 1306
Married Women's Property, 2R. 784
Parliament—House of Commons Arrangements, Res. 275

Hospitals, &c. Rating Exemption Bill
(*Mr. Wheelhouse, Sir Herbert Croft*)
c. Ordered; read 1° * *April* 14 [Bill 81]
Moved, "That the Bill be now read 2°" *April* 28, 1814; after short debate, Debate adjourned

Houghton, Lord
Pauperism and Emigration, 943, 955, 970

Howard, Hon. C. G. W., *Cumberland, E.*
Lord Lieutenant (Cumberland and Westmoreland), Motion for an Address, 728, 752

Howard, Mr. J., *Bedford*
Contagious Diseases (Animals) (No. 2), 2R. 446

Howes, Mr. E., *Norfolk, S.E.*
Norfolk Election, Motion for an Address, 16

Hudson's Bay Company
Question, Viscount Bury; Answer, Mr. Monsell *April* 12, 583; Question, Mr. Adderley; Answer, Mr. Monsell *April* 13, 680

Hughes, Mr. T., *Frome*
Inclosure of Lands, 3R. Motion for Adjournment, 554
Sunday Trading, Comm. 799, 800, 802

Hunt, Right Hon. G. W., *Northamptonshire, N.*
Consolidated Fund (£17,100,000), 2R. 1647
Courts of Justice, New, 1700
Ireland—Incumbered Estates Court—Earl of Lanesborough's Estate, 521
Irish Church, Comm. *cl.* 18, 1478, 1485; *cl.* 27, 1864
Parliament—Business of the House, 846, 847
Parliament—House of Commons Arrangements, Res. 282
Post Office—Inland Postage, Res. 250
Supply—Civil Service Estimates—Vote on Account, 524, 532, 535
Vagrancy, 1096
Ways and Means—Financial Statement, 400, 413, 414, 433
Ways and Means, Res. (Corn, &c.), 591, 595, 597, 599, 601, 602, 627

Imperial Gas Bill (by Order)
c. Moved, "That the Bill be now taken into Consideration" *April* 28, 1782
Amendt. to leave out "now taken into Consideration," and add "re-committed to the former Committee, with a view to the insertion of Clauses to make the Bill consistent with the provisions of 'The City of London Gas Act, 1868'" (*Mr. Morrison*); Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn
Amendt. to leave out "now taken into Consideration," and add "re-committed to the former Committee, with an Instruction to consider the expediency of inserting Clauses to make the Bill consistent with the provisions of 'The City of London Gas Act, 1868'" (*Mr. Ayrton*); after further short debate, Question, "That the words, &c." put, and negatived; words added; main Question, as amended, put, and agreed to

Imprisonment for Debt Bill
(*Mr. Attorney General, Mr. Solicitor General, Mr. Chancellor of the Exchequer*)
c. Bill read 2°, after short debate *April* 5, 173 [Bill 61]
Committee *; Report *April* 26 [Bill 98]

Inclosure Act
Moved, "That a Select Committee be appointed to inquire whether the Inclosure Act 8 and 9 Vic. c. 118, requires amendment" (*Mr. Fawcett*) *April* 20, 1286
Amendt. to add the words "in respect to the provisions for places of public recreation, and for allotments for the labouring poor" (*Mr. William Cowper*); after short debate, Question, "That those words, &c." put, and agreed to; main Question, as amended, put, and agreed to; List of the Committee, 1288

Inclosure of Lands Bill (*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce*) [Bill 31]
c. Moved, "That the Bill be now read 3^{o}" *April* 9, 547
Amendt. to leave out from "Bill be," and add "re-committed, in order that from the proposed Inclosures some land may be reserved as allotments for the labouring poor, in accordance with the provision of the Act 8 & 9 Vic. c. 118, sections 30 to 34" (*Mr. Fawcett*); Question proposed, "That the words, &c.;" Debate adjourned
Question, Mr. Fawcett; Answer, Mr. Bruce *April* 13, 679

Increase of the Episcopate Bill [H.L.] (*The Lord Lyttelton*) (No. 34)
l. Moved, "That the Bill be now read 2^{a}" *April* 22, 1329
Amendt. to leave out ("now,") and insert ("this day three months") (*The Lord Portman*); after debate, on Question, That ("now,") &c.; Cont. 20, Not-Cont. 43; M. 23; resolved in the negative; List of Cont. and Not-Cont. 1351

INDIA
Accounts—Home Charges, Question, Mr. E. T. Hamilton; Answer, Mr. Grant Duff *April* 26, 1578
Banda and Kirwee Prize Money, Question, Mr. O'Reilly; Answer, Mr. Grant Duff *April* 26, 1580
Finance, Question, Mr. Mitchell; Answer, Mr. Grant Duff *April* 9, 478
Indian Field Officers, Question, Colonel Sykes; Answer, Mr. Grant Duff *April* 1, 1
Muscat and Zanzibar, Question, Sir Stafford Northcote; Answer, Mr. Grant Duff *April* 26, 1580
Nawab of Jungera, Question, Mr. Eykyn; Answer, Mr. Grant Duff *April* 6, 231
Rangoon and Western China—Overland Route, Question, Colonel Gray; Answer, Mr. Grant Duff *April* 22, 1356

Industrial Schools (Great Britain) Bill [H.L.] (*The Marquess Townshend*)
l. Presented; read 1^{a}* *April* 20 (No. 64)

Infant Life Preservation Bill [H.L.] (*The Marquess Townshend*)
l. Presented; read 1^{a}* *April* 29 (No. 89)

IRELAND
Agrarian Outrages, Postponement of Question (*Viscount Lismore*); short debate thereon *April* 26, 1533; Question, Lord John Manners; Answer, Mr. Chichester Fortescue *April* 29, 1850
Ancient Monuments—Preservation of, Question, Mr. Agar-Ellis; Answer, Mr. Layard *April* 19, 1098
Assassination of Captain Tarleton, Question, Captain Archdall; Answer, Mr. Chichester Fortescue *April* 29, 1849

IRELAND—cont.
Church Temporalities (Ireland) Commissioners [*Advances*], Considered in Committee, Resolution thereon (*Mr. Gladstone*) *April* 23, 1531
(See *Irish Church Bill*)
Education — Salaries of Teachers, Question, Sir Frederick W. Heygate; Answer, Mr. Chichester Fortescue *April* 27, 1698
Election Petitions, Question, Viscount St. Lawrence; Answer, The Attorney General for Ireland *April* 19, 1096
Fenian Prisoners in Australia, Question, Sir George Jenkinson; Answer, Mr. Chichester Fortescue *April* 8, 356
Fenian Prisoners—Released, Question—Notice withdrawn (*The Marquess of Clanricarde*) *April* 13, 671
Hackney Carriages in Dublin, Question, Mr. Vance; Answer, The Chancellor of the Exchequer *April* 12, 583
Incumbered Estates Court — Earl of Lanesborough's Estate, Question, Captain Archdall; Answer, The Attorney General for Ireland; short debate thereon *April* 9, 518
Irish Fisheries Commission, Question, Mr. Dodds; Answer, Mr. Chichester Fortescue *April* 8, 358
Jury Panel, Monaghan Assizes, Observations, Mr. Downing; Reply, The Attorney General for Ireland *April* 9, 497
Licensing of Beerhouses, Question, Mr. Kavanagh; Answer, Mr. Chichester Fortescue *April* 6, 308
Maynooth College, Observations, Mr. Newdegate; Reply, Mr. Chichester Fortescue, Mr. Ayrton *April* 2, 49; Questions, Mr. Newdegate, Mr. Pemberton; Answers, Mr. Gladstone *April* 8, 360
Maynooth College Visitation, Question, Mr. Newdegate; Answer, Mr. Gladstone *April* 13, 680
Mayor of Cork, Question, Mr. Maguire; Answer, Mr. Chichester Fortescue *April* 8, 359
—*Assassinations in Ireland*, Question, Observations, Viscount Lifford; Reply, Earl Granville; short debate thereon *April* 30, 1948
Prisons—County and Convict, Question, Mr. Vance; Answer, Mr. Chichester Fortescue *April* 29, 1855
Purchase of Railways, Question, Mr. W. Ormsby Gore; Answer, Mr. Gladstone *April* 26, 1577
Riot in Londonderry, Question, Sir Frederick W. Heygate; Answer, Mr. Chichester Fortescue *April* 29, 1848
St. Patrick's Day in Dublin, Question, Mr. R. Fowler; Answer, Mr. Chichester Fortescue *April* 6, 230
State of Ireland, Question, Observations, The Marquess of Bath; Reply, Earl Granville; long debate thereon *April* 30, 1954; Observations, Mr. Graves; Reply, Mr. Chichester Fortescue, 1982

Ireland—The Irish Society
Moved, "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue a Royal Commission to inquire into the manner in which the Irish Society administer the property

Ireland—The Irish Society—cont.

which, according to their own admission in their law suit with the Skinners' Company, they hold as trustees for the benefit of their trust; and to consider whether, under a totally different state of circumstances from those in which the Society had their origin, it would not be advisable to carry into effect the recommendation of the Royal Commission of 1854 on the Corporation of London, that the Irish Society should be abolished; and to advise such other arrangements as would be most in harmony with existing circumstances, and most conducive to the public advantage" (*Mr. Maguire*) *April* 13, 680; after long debate, Motion withdrawn

IRISH CHURCH BILL

Borrowing Powers of Limited Owners, Question, Sir Frederick W. Heygate; Answer, Mr. Gladstone *April* 22, 1357

Church Leaseholds, Question, Sir Lawrence Palk; Answer, Mr. Gladstone *April* 19, 1096

Church Leases, Question, Dr. Ball; Answer, Mr. Chichester Fortescue *April* 19, 1095

Church Temporalities Commissioners—Names, Question, Mr. Disraeli; Answer, Mr. Gladstone *April* 8, 356

Church Temporalities (*Ireland*) *Commissioners* [*Advances*], Considered in Committee *April* 23, 1531; Resolved, That the Commissioners for the Reduction of the National Debt be authorized to advance, with the consent of the Commissioners of Her Majesty's Treasury, to the Commissioners of Church Temporalities in Ireland to be appointed by any Act passed in the present Session of Parliament "to put an end to the Establishment of the Church in Ireland, and to make provision in respect to the temporalities thereof, and in respect to the Royal College of Maynooth," such monies as the said Commissioners of Church Temporalities may require to raise for the purposes of the said Act; and that it is expedient to authorize the Commissioners of Her Majesty's Treasury to guarantee the repayment to the said Commissioners for the Reduction of the National Debt of any monies so advanced (*Mr. Gladstone*)
Resolution reported, and agreed to *April* 26

Coronation Oath, Question, Observations, Lord Redesdale; Reply, Earl Granville *April* 19, 1059

Impropriate Tithe Rent-Charge, Question, Mr. Charley; Answer, Mr. Gladstone *April* 30, 1974

Organists, Question, Mr. O'Reilly-Dease; Answer, Mr. Gladstone *April* 20, 1197

Relation of the Irish Clergy to the Church of England, Question, Mr. Collins; Answer, Mr. Gladstone *April* 20, 1198

Sales of Tithe Rent-Charge, Advowsons, &c., Motion for Returns (*The Marquess of Clanricarde*) *April* 9, 450; after short debate, Motion amended, and agreed to

Irish Church Bill
(*Mr. Dodson, Mr. Gladstone, Mr. John Bright, Mr. Chichester Fortescue, Mr. Attorney General for Ireland*)

c. Notice of Amendments (*Mr. Disraeli*) *April* 12, 585
Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" (*Mr. Gladstone*) *April* 15, 847
Amendt. to leave out from "That," and add "this House will, upon this day six months, resolve itself into the said Committee" (*Mr. Newdegate*); Question proposed, "That the words, &c.;" after long debate, Question put; A. 355, N. 229; M. 126
Division List, Ayes and Noes, 936
Main Question, "That Mr. Speaker, &c." put, and agreed to; Bill considered in Committee; Committee—R.P. [Bill 27]

Committee *April* 16, 993
Clause 1 (Short title)
Clause 2 (Dissolution of legislative union between Churches of England and land); Committee—R.P.

Committee *April* 19, 1099
Clause 3 (Appointment of commissioners)
Clause 7 (Powers of commissioners), 1100
Clause 10 (Prohibition of future appointments), 1100
Clause 12 (Church property vested in commissioners under Act), 1109
Clause 13 (Dissolution of ecclesiastical corporations, and cessation of right to sit in House of Lords), 1124
Clause 14 (Compensation to ecclesiastical persons other than curates), 1137; Committee—R.P.

Committee *April* 22, 1364
Clause 14 (Compensation to ecclesiastical persons other than curates), 1364
Clause 15 (Compensation to curates), 1386
Clause 16 (Compensation to diocesan schoolmasters, clerks, and sextons), 1404
Clause 17 (Compensation to organists, vergers, and others), 1410
Clause 18 (Compensation to lay patrons), 1412; Committee—R.P.

Committee *April* 23, 1473
Clause 18 (Compensation to lay patrons), 1473
Clause 19 (Repeal of laws prohibiting synods, &c.), 1488
Clause 20 (Existing law to subsist by contract), 1495
Clause 21 (Abolition of ecclesiastical courts and ecclesiastical law), 1506
Clause 22 (Incorporation of church body), 1506
Clause 23 (Redemption of annuities and life interest of ecclesiastical persons), 1518; Committee—R.P.

Committee *April* 26, 1585
Clause 24 (Building charge to be paid on commutation of annuity)
Clause 25 (Enactments with respect to churches), 1585
Clause 26 (Enactments with respect to burial grounds), 1617
Clause 27 (Enactments with respect to ecclesiastical residences), 1629; Committee—R.P.

[*cont.*

Irish Church Bill—cont.
  Committee *April* 29, 1856
  Clause 27 (Enactments with respect to ecclesiastical residences)
    Division List, Ayes and Noes, 1876
  Clause 28 (Power to convey additional land to church body), 1880
  Clause 29 (Enactments with respect to private endowments), 1881
    Division List, Ayes and Noes, 1923
  Committee—R.P.

Jenkinson, Sir G. S., *Wiltshire, N.*
  Capital Sentences, Remission of, 1358
  Contagious Diseases (Animals) (No. 2), 2R. 449
  Ireland—Fenian Prisoners, 356
  Irish Church, Comm. 941; *cl.* 14, Amendt. 1364, 1365, 1366; *cl.* 25, Amendt. 1594, 1595, 1599, 1617; *cl.* 27, Motion for reporting Progress, 1644, 1866; *cl.* 28, Amendt. 1880
  Local Taxation, 358, 977
  Ways and Means, Res. (Corn, &c.), 618

Jessel, Mr. G., *Dover*
  Bankruptcy, 2R. 142

Johnston, Mr. A., *Essex, S.*
  Army—Ordnance Survey, 1974
  Corn Duty, 844
  Metropolitan Board of Works, 674

Johnston, Mr. W., *Belfast*
  Scotland—Portpatrick Harbour, 982

Jones, Mr. J., *Carmarthenshire*
  Post Office—Communication with South Wales, 1582

Kavanagh, Mr. A. M., *Carlow Co.*
  Ireland—Beerhouses, Licensing of, 308
  Poor Law (Ireland) Act Amendment, 2R. 322

Kimberley, Earl of (Lord Privy Seal)
  Fine Arts Copyright Consolidation and Amendment (No. 2), 2R. 1943
  Habitual Criminals, Comm. *cl.* 4, Amendt. 222; *cl.* 10, 224, 225; Amendt. 226; *cl.* 12, Amendt. 227; *cl.* 14, 229
  Ireland—State of, 1964
  Railway Companies Meetings, Comm. 672
  Tenure (Ireland), 2R. 1179

King, Hon. P. J. Locke, *Surrey, E.*
  Irish Church, Comm. *cl.* 26, Amendt. 1627
  Royal Patriotic Fund, 1583

Kinnaird, Hon. A. F., *Perth*
  Canada—Dockyard Emigrants, 1698
  Coal Mines, Regulation of, 844
  Navy—African Squadron, Motion for Returns, 46
  Sunday Trading, Comm. 804
  Ways and Means, Res. (Corn, &c.), 591
  Wisley Common, Motion for a Committee, 127

Kirk, Mr. W., *Newry*
  Irish Church, Comm. *cl.* 14, 1152; *cl.* 26, 1621

Knatchbull-Hugessen, Mr. E. H. (Under Secretary of State for the Home Department), *Sandwich*
  Inclosure of Lands, 3R. 550
  Judicial Commission, The, 975
  Metropolitan Board of Works, 674
  Salmon Fishery Laws, 975
  Wisley Common, Motion for a Committee, 125, 128

Knight, Mr. F. W., *Worcestershire, W.*
  Poor Law (Ireland) Act Amendment, 2R. 319

Knox, Hon. Colonel W. Stuart, *Dungannon*
  Army—Chaplains, 678
  Beverley Election, Motion for an Address, Amendt. 563
  Ireland—Irish Society, The, Motion for a Commission, 726
  Ireland—Jury Panel, Monaghan Assizes, 503, 506
  Irish Church, Comm. 868; *cl.* 12, 1111; *cl.* 18, 1415

Laird, Mr. J., *Birkenhead*
  Navy Estimates—Dockyards, &c. 118
    New Works, 215

Lands Clauses Act Consolidation Amendment Bill (*Viscount Halifax*)
l. Read 1ª* *April* 5 (No. 38)
  Read 2ª* *April* 23

Lawrence, Lord
  Government of India Act Amendment, 1R. 1088

Lawrence, Mr. Alderman W., *London*
  Army—Saltpetre, Storage of, 1584
  Bankruptcy, 2R. 161
  Ireland—Irish Society, The, Motion for a Commission, 695
  Ways and Means—Financial Statement, 427; Res. (Corn, &c.), 639
  Wisley Common, Motion for a Committee, 126

Lawson, Sir W., *Carlisle*
  Lord Lieutenant (Cumberland and Westmoreland), Motion for an Address, 742

Layard, Right Hon. A. H. (Chief Commissioner of Works), *Southwark*
  Ancient Monuments, Preservation of, 28
  Ireland—Ancient Monuments, Preservation of, 1098
  Metropolis—Questions, &c.
    Battersea Park, 843
    Courts of Justice, New, 356, 1699, 1700
    National Gallery, The, 975
    Park Lane Improvements, 1973
    Public Offices, Concentration of, 678, 1973
  Parliament—Crypt under St. Stephen's Chapel, 676
  Parliament — House of Commons Arrangements, Res. 294, 1467

Lefevre, Mr. J. G. Shaw (Secretary to the Board of Trade), *Reading*
  Imperial Gas, Consid. 1786
  Married Women's Property, 2R. 779
  Regulation of Railways Act Amendment, Leave, 24

Lefroy, Mr. A., *Dublin University*
  Irish Church, Comm. 893 ; *cl.* 13, 1139, 1145 ; *cl.* 14, 1385 ; *cl.* 15, Amendt. 1397 ; *cl.* 16, 1408

Leitrim, Earl of
  Ireland—State of, 1972
  Representative Peers for Scotland and Ireland, 2R. 1691

Lennox, Lord H. G. C. G., *Chichester*
  Navy Estimates—Salaries, 62

Lewis, Mr. J. D., *Devonport*
  Army Estimates—Military Stores, 668

Libel Bill
(*Mr. Baines, Mr. Candlish, Mr. Morley*)
c. Adjourned Debate *April* 13, 757 ; Bill read 2° [Bill 17]

Liddell, Hon. H. G., *Northumberland, S.*
  Game Laws (Scotland), Motion for a Committee, 1739
  Greenwich Hospital, Leave, 1710
  Ireland—State of, 2058
  Irish Church, Comm. *cl.* 26, 1625 ; *cl.* 29, 1883
  Navy Estimates—Coastguard Service, 90, 96
    Salaries, 65
    Steam Machinery, 202, 216
  Valuation of Property (Metropolis), 2R. 23, 359

Life Assurance Companies Bill
(*Mr . S. Cave, Mr. Bazley, Mr. Russell Gurney*)
c. Read 2° * *April* 7 [Bill 35]
  Committee * ; Report *April* 8

Life Peerages Bill
(*The Earl Russell*)
l. Presented ; read 1ª, after debate *April* 9, 452
  Moved, "That the Bill be now read 2ª" *April* 27, 1648
  After debate, Amendt. to leave out ("now") and insert ("this day six months") (*Lord Denman*) ; after further short debate, on Question, That ("now,") &c. ; resolved in the affirmative ; Bill read 2ª (No. 49)

Lifford, Viscount
  Ireland—Mayor of Cork—Assassinations, 1948

Limerick, Earl of
  Militia, Comm. 1847

Lismore, Viscount
  Ireland—Agrarian Outrages, 1533

Local Government Supplemental Bill
(*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce*)
c. Ordered ; read 1° * *April* 21 [Bill 90]
  Read 2° * *April* 22

Local Officers Superannuation (Ireland) Bill (*Mr. Pim, Sir John Gray*)
c. Ordered ; read 1° * *April* 20 [Bill 87]

Local Taxation
  Question, Sir George Jenkinson ; Answer, Mr. Goschen *April* 8, 358 ; Question, Observations, Sir George Jenkinson ; Answer, Mr. Gladstone *April* 16, 977 ; short debate thereon

Loch, Mr. G., *Wick, &c.*
  Game Laws (Scotland), Motion for a Committee, 1713, 1728 ; Address for a Commission, 2067
  Park Lane and Piccadilly Thoroughfare, Motion for Papers, 756

Locke, Mr. J., *Southwark*
  Courts of Justice, New, Res. 1252
  Endowed Schools, Comm. 125
  Imperial Gas, Consid. 1784, 1795
  Inclosure of Lands, 3R. 556
  Sunday Trading, Comm. 799, 800
  Valuation of Property (Metropolis), 2R. 21
  Wisley Common, Motion for a Committee, 127

Lodgers Property Protection Bill [H.L.]
(*The Marquess Townshend*)
l. Presented ; read 1ª * *April* 20 (No. 65)

London, Bishop of
  Increase of the Episcopate, 2R. 1347

Lopes, Sir M., *Devonshire, S.*
  Bishops, Retirement of, 581

Lopes, Mr. H. C., *Launceston*
  Evidence Amendment, 2R. 1809
  Married Women's Property, 2R. Amendt. 774, 798

Lord Napier's Salary Bill
(*The Duke of Argyll*)
l. Read 1ª * *April* 5 (No. 37)
  Read 2ª * *April* 6
  Committee * ; Report *April* 8
  Read 3ª * *April* 9
  Royal Assent *April* 19 [32 *Vict.* c. 3]

Lowe, Right Hon. R. (see Chancellor of the Exchequer)

Lowther, Mr. J., *York City*
  Endowed Schools, Comm. Amendt. 124
  Navy—African Squadron, Motion for Returns, 41

Lowther, Mr. W., *Westmoreland*
  British Museum—Temple Collection, 1579

Lusk, Mr. Alderman A., *Finsbury*
- Army Estimates—Martial Law, 666
  - Military Stores, 668
- Bankruptcy, 2R. 167
- Imperial Gas, Consid. 1797
- Navy Estimates—Coastguard Service, 90
  - Naval Stores, 193
  - Salaries, 61
  - Victualling Yards, &c. 181, 184
- Ways and Means, Res. (Corn, &c.), 623
- Wisley Common, Motion for a Committee, 129

Lyttelton, Lord
- Increase of the Episcopate, 2R. 1329, 1350

Lyveden, Lord
- Government of India Act Amendment, 1R. 1085; 2R. 1832

Macfie, Mr. R. A., *Leith, &c.*
- Financial Statement—Corn Duty, 479
- Game Laws (Scotland), Motion for a Committee, 1728
- Irish Church, Comm. *cl.* 18, Amendt. 1479
- Post Office—Inland Postage, Res. 244
- Ways and Means—Financial Statement, 429

McLagan, Mr. P., *Linlithgowshire*
- Agricultural Returns, Res. Motion for Adjournment, 755
- Game Laws (Scotland), Motion for a Committee, 1725; Address for a Commission, 2065
- Pharmacy Act Amendment, Comm. 1934

McLaren, Mr. D., *Edinburgh*
- Hospitals, &c. Rating Exemption, 2R. 1815
- Irish Church, Comm. *cl.* 26, 1626
- Ways and Means—Financial Statement, 421
- Ways and Means, Res. (Corn, &c.), 619, 640

McMahon, Mr. P., *New Ross*
- Imprisonment for Debt, 2R. 174
- Irish Church, Comm. *cl.* 26, 1623
- Poor Law (Ireland) Amendment, 2R. 309

Maguire, Mr. J. F., *Cork City*
- Ireland—Cork, Mayor of, 359
  - State of, 2041
- Ireland—Irish Society, Motion for a Commission, 680, 726
- Navy Estimates—New Works, 210, 212
- Poor Law (Ireland) Act Amendment, 2R. 336
- Ways and Means, Res. (Corn, &c.), 624

Malmesbury, Earl of
- Ireland—Agrarian Outrages, 1535
- Life Peerages, 2R. 1666

Manners, Right Hon. Lord J. J. R., *Leicestershire, N.*
- Courts of Justice, New, Res. 1247, 1249, 1269
- Inclosure of Lands, 3R. 554
- Ireland—Agrarian Outrages, 1850
  - State of, 2017
- Irish Church, Comm. *cl.* 10, 1107; *cl.* 15, 1404; *cl.* 18, 1415; *cl.* 22. 1512, 1515; *cl.* 25, 1614; *cl.* 27, 1858, 1880; *cl.* 19, 1932

[*cont.*

Manners, Right hon. Lord J. J. R.—*cont.*
- Metropolis—Public Offices, Concentration of, 677
- Parliament — House of Commons Arrangements, Res. 271

Marine Mutiny Bill
(*The Earl of Camperdown*)
- *l.* Read 1ª* *April* 5
- Read 2ª* *April* 6
- Committee*; Report *April* 8
- Read 3ª* *April* 9
- Royal Assent *April* 19 [32 *Vict.* c. 5]

Marlborough, Duke of
- Parochial Schools (Scotland), 567

Marriage Law Commission Report
- Question, Observations, Lord Chelmsford; Reply, The Lord Chancellor *April* 5, 135

Marriage with a Deceased Wife's Sister Bill (*Mr. Thomas Chambers, Mr. Morley*)
- *c.* Moved, "That the Bill be now read 2°" *April* 21, 1288
  - Amendt. to leave out "now," and add "upon this day six months" (*Mr. Sclater-Booth*); after debate, Question put, "That 'now' &c.;" A. 243, N. 144; M. 99; Bill read 2°
  - Division List, Ayes and Noes, 1325

Married Women's Property Bill
(*Mr. Russell Gurney, Mr. Headlam, Mr. Jacob Bright*)
- *c.* Moved, "That the Bill be now read 2°" *April* 14, 760
  - Amendt. to leave out "now," and add "upon this day six months" (*Mr. Lopes*); Question proposed, "That 'now,' &c.;" after debate, Amendt. withdrawn; Bill read 2°, and committed to a Select Committee; List of the Committee, 798

Martin, Mr. C. Wykeham, *Newport, Isle of Wight*
- Army Estimates—Buildings and Repairs, 669

Martin, Mr. P. Wykeham, *Rochester*
- Hospitals, &c. Rating Exemption, 2R. 1816
- Irish Church, Comm. *cl.* 27, 1641

Melly, Mr. G., *Stoke-upon-Trent*
- Ways and Means—Financial Statement, 420

Merchant Shipping (Colonial), 1869, Bill
[H.L.] (*The Earl Granville*)
- *l.* Presented; read 1ª* *April* 13 (No. 56)
- Read 2ª* *April* 15
- Committee*; Report *April* 19
- Read 3ª* *April* 20
- *c.* Read 1°* *April* 22 [Bill 91]
- Read 2°* *April* 26
- Committee*; Report *April* 27
- Considered* *April* 28
- Read 3°* *April* 29

METROPOLIS
Battersea Park, Question, Mr. Peek; Answer, Mr. Layard *April* 15, 843
Metropolitan Board of Works—Report, 1868, Question, Mr. A. Johnston; Answer, Mr. Knatchbull-Hugessen *April* 13, 674
Night Houses, Question, Viscount Enfield; Answer, Mr. Bruce *April* 29, 1852
Park Lane and Piccadilly Thoroughfare, Moved, "That there be laid before this House, a Copy of all Correspondence which has passed since the month of February 1865, inclusive, between the Lords of the Treasury, the First Commissioner of Works, the Commissioners of Woods and Forests, and the Metropolitan Board of Works, on the subject of any proposed thoroughfare between Park Lane and Piccadilly (in continuation of Parliamentary Paper, No. 132, of Session 1865)" (*Mr. Loch*) *April* 13, 756; after short debate, Motion withdrawn; Question, Mr. C. B. Denison; Answer, Mr. Layard *April* 30, 1973
Police Interference with Passengers, Question, Mr. Eaton; Answer, Mr. Bruce *April* 9, 477
Public Offices, Concentration, Question, Lord J. Manners; Answer, Mr. Layard *April* 13, 677
Public Offices, Great George Street, Question, Mr. W. H. Smith; Answer, Mr. Layard *April* 30, 1973
St. Luke's Hospital, Question, Colonel Bartelot; Answer, Mr. Bruce *April* 13, 677
Thames Embankment (*South Side*), Question, Mr. Guest; Answer, Mr. Tite *April* 23, 1464

Metropolis Local Management Acts Amendment Bill [H.L.]
(*The Marquess Townshend*)
l. Presented; read 1ª* *April* 29 (No. 86)

Metropolitan Commons Act (1866) Amendment Bill
(*Mr. Thomas Chambers, Mr. Locke*)
c. Ordered; read 1°* *April* 13 [Bill 77]

Metropolitan Regulations Bill
(*The Marquess Townshend*)
l. Presented; read 1ª* *April* 29 (No. 87)

Mexico—Diplomatic Relations with
Question, Mr. H. B. Sheridan; Answer, Mr. Otway *April* 15, 845

MIALL, Mr. E., *Bradford*
Bahamas—Ecclesiastical Grant, 581

Militia Bill
(*Mr. Secretary Cardwell, Major Vivian*)
c. Motion for Leave (*Mr. Cardwell*) *April* 15, 941; Bill ordered; read 1°* [Bill 82]
Read 2°* *April* 20
Committee; Report, after short debate *April* 22, 1417
Read 3°, after short debate *April* 23, 1532
l. Read 1ª* (*Lord Northbrook*) *April* 26 (No. 76)
Read 2ª* *April* 27
Committee *April* 29, 1846 (No. 83)

MILLS, Mr. C. H., *Kent, W.*
Navy—Barnes, Mr. W., Case of, 842

Mines Regulation Bill (*Mr. Secretary Bruce, Mr. Knatchbull-Hugessen*)
c. Ordered; read 1°* *April* 15 [Bill 84]

MINTO, Earl of
Scotland—Courts of Law Commission, 1575

Mr. Murphy's Lectures—Mayor of Tynemouth
Question, Mr. Sinclair Aytoun; Answer, Mr. Bruce *April* 14, 759

MITCHELL, Mr. T. A., *Bridport*
India—Finance, 478

MONCK, Viscount
Army—Military Force of the Kingdom, 1420, 1451
Tenure (Ireland), Comm. 1548

MONK, Mr. C. J., *Gloucester*
Imperial Gas, Consid. 1783, 1788
Irish Church, Comm. *cl.* 2, 1035
Turkey—Cretan Insurgents, 1098
Ways and Means, Res. (Corn, &c.), 616

MONSELL, Right Hon. W. (Under Secretary of State for the Colonies), *Limerick Co.*
Bahamas—Ecclesiastical Grant, 581
Canada—Dockyard Emigrants, 1698
Emigration Commission, 580
Fenianism in Australia, 31
Hudson's Bay Company, 583, 680
New Zealand—Imperial Troops in the Colony, 676
O'Farrell Papers, 1741
Post Office—Communication with Australia, 140

MONTAGU, Right Hon. Lord R., *Huntingdonshire*
Cattle Plague—Diseased Foreign Sheep, 1363, 1364, 1467
Contagious Diseases (Animals) (No. 2), 2R. 445
Pharmacy Act Amendment, Comm. 1934

MOORE, Mr. G. H., *Mayo Co*
Irish Church, Comm. *cl.* 26, 1625; *cl.* 27, 1867

MORGAN, Mr. G. O., *Denbighshire*
Married Women's Property, 2R. 788

MORLEY, Earl of
Scotland—Courts of Law Commission, 1575

MORLEY, Mr. S., *Bristol*
Bankruptcy, 2R. 162
Wisley Common, Motion for a Committee, 129

MORRISON, Mr. W., *Plymouth*
Imperial Gas, Consid. Amendt. 1782, 1798

Mundella, Mr. A. J., *Sheffield*
Post Office—Inland Postage, Res. 243

Municipal Franchise Bill
(*Mr. Herbert, Mr. Hodgkinson, Mr. Candlish*)
c. Ordered; read 1°* *April* 15 [Bill 85]

Muntz, Mr. P. H., *Birmingham*
Factory Acts—Hours of Labour, 1851
Game Laws (Scotland), Motion for a Committee, 1740
Imperial Gas, Consid. 1798
Navy—Contracts, 51
Sunday Trading, Comm. 801
Ways and Means—Financial Statement, 429

Mutiny Bill (*The Earl Granville*)
l. Read 1ª* *April* 5
Read 2ª* *April* 6
Committee*; Report *April* 8
Read 3ª* *April* 9
Royal Assent *April* 19 [32 *Vict.* c. 4]

Naval Stores Bill [H.L.]
(*The Earl of Camperdown*)
l. Moved, "That the Bill be now read 2ª" *April* 13, 672; after short debate, Bill read 2ª (No. 33)
Committee* *April* 15
Report* *April* 16 (No. 57)
Read 3ª* *April* 19
c. Read 1°* *April* 21 [Bill 88]
Read 2°* *April* 23
Committee*; Report *April* 26
Considered* *April* 28
Read 3°* *April* 29

Navy
African Squadron, Question, Observations, Mr. J. Lowther; Reply, Mr. Childers; short debate thereon *April* 2, 41
Armament of Turret-ships, Question, The Duke of Somerset; Answer, The Earl of Camperdown *April* 8, 340; Explanation, The Earl of Camperdown *April* 12, 569
Contracts, Observations, Mr. Muntz *April* 2, 51
"*Crocodile*" *Transport*, Question, Mr. Stacpoole; Answer, Mr. Grant Duff *April* 20, 1197
Dockyard Distress, Question, Sir J. Elphinstone; Answer, Mr. Childers *April* 2, 47
Dockyard Emigrants to Canada, Question, Mr. Kinnaird; Answer, Mr. Monsell *April* 27, 1698
Government Reductions and Emigration, Observations, Sir James Elphinstone; Reply, Mr. Cardwell *April* 16, 991
Greenwich Hospital—The Greenwich Sixpence, Question, Colonel Sykes; Answer, Mr. Childers *April* 29, 1853
Malta—New Port and Docks, Question, Mr. Onslow; Answer, Mr. Childers *April* 27, 1695
Moorings in Dover Harbour, Question, Major Dickson; Answer, Mr. Childers *April* 26, 1583
[*cont.*

Navy—*cont.*
Use of North Country Coal, Question, Mr. H. Vivian; Answer, Mr. Childers *April* 22, 1354
Woolwich Dockyard—Mr. W. Barnes, Question, Mr. Mills; Answer, Mr. Childers *April* 15, 842

Nelson, Earl
Ecclesiastical Courts, &c., Nomination of Committee, 1535
Increase of the Episcopate, 2R. 1342
St. Katherine's Hospital, 1945

Neville-Grenville, Mr. R., *Somerset, Mid.*
Civil Service Estimates, 27
Income Tax, Payment of the, 843
Irish Church, Comm. *cl.* 23, 1529
Ways and Means—Financial Statement, 415
Ways and Means, Res. (Corn, &c.), 612

Newdegate, Mr. C. N., *Warwickshire, N.*
Game Laws (Scotland), Motion for a Committee, 1739
Fenianism in Australia, 30 31
Ireland—Maynooth College, 49, 51, 360
Irish Church, Comm. Amendt.* 848; *cl.* 10, 1104; *cl.* 12, 1117; *cl.* 18, 1413, 1414, 1476, 1478; *cl.* 25, 1595, 1597; *cl.* 27, 1645; *cl.* 29, 1886
Local Taxation, 980
O'Farrell Papers, 1468, 1470, 1584; *1743, 1755, 1758, 1854, 2064
Parliament—Business of the House, 1473, 1978
Pharmacy Act Amendment, Comm. 1933, 1934
Roman Catholic Charities, 1362
Ways and Means, Res. (Corn, &c.), 585, 586

New Peers
April 15—The Right Hon. Sir John Laird Mair Lawrence, baronet, G. C. B., G.C.S.I., Baron Lawrence of the Punjaub and of Grately in the county of Southampton
April 23—The Right Hon. Sir James Plaisted Wilde, knight, Baron Penzance of Penzance in the county of Cornwall

Sat First
April 19—The Viscount Gough, after the death of his Father
April 22—The Earl De La Warr, after the death of his Father
April 26—The Lord Cloncurry, after the death of his Father
April 30—The Earl Ferrers, after the death of his Father

New Writs Issued
April 9—*For* Sussex (Western Division), *v.* The Hon. Henry Wyndham, called up to the House of Peers
April 16—*For* Brecknock Borough, *v.* Howel Gwyn, esquire, void Election

New Members Sworn
April 2—Major George Gustavus Walker, *Dumfries County*
April 5—Colonel Edward Clive, and Chandos Wren Hoskyns, esquire, *Hereford City*
April 6—Henry Master Feilden, esquire, and Edward Kenworthy Hornby, esquire, *Blackburn*
April 13—John Samuel Wanley Sawbridge Erle Drax, esquire, *Wareham*
April 19—The Earl of March, *Sussex* (*Western Division*)
April 27—Lord Hyde, *Brecknock Borough*

Newspapers, &c. Bill
(*Mr. Ayrton, Mr. Chancellor of the Exchequer*)
c. Ordered; read 1°* *April* 8 [Bill 66]
Read 2°* *April* 15
Committee*; Report *April* 22, 1416
Considered* *April* 23
Read 3°* *April* 26
l. Read 1ª* (*The Marquess of Lansdowne*) *April* 27 (No. 80)

New Zealand—Withdrawal of the Imperial Troops
Question, Mr. Sartoris; Answer, Mr. Monsell *April* 13, 675

Norfolk Island Bishopric Bill [H.L.]
(*The Earl Granville*)
l. Presented; read 1ª* *April* 23 (No. 73)
Read 2ª* *April* 26
Committee*; Report *April* 27
Read 3ª* *April* 29

North, Colonel J. S., *Oxfordshire*
Army Estimates—Martial Law, 661, 663

Northbrook, Lord (Under Secretary of State for War)
Army—Military Force of the Kingdom, 1436, 1448, 1451, 1462
Militia, Comm. 1847

Northcote, Right Hon. Sir S. H., *Devonshire, N.*
India—Muscat and Zanzibar, 1580
Irish Church, Comm. *cl.* 10, 1107; *cl.* 13, 1125; *cl.* 14, 1371; *cl.* 18, 1480; *cl.* 25, 1608; *cl.* 27, 1631
Ways and Means, Res. (Corn, &c.), 632

Northumberland, Duke of
Army—Military Force of the Kingdom, 1448

Norwich Election
Moved, "That an humble Address, &c." (*Mr. Attorney General*) *Mar* 12; debate resumed; after short debate, Question put, and agreed to; Message to the Lords thereon *April* 1, 2

Norwood, Mr. C. M., *Kingston-upon-Hull*
Bankruptcy, 2R. 142
Imprisonment for Debt, 2R. 173
Ways and Means—Financial Statement, 424
Ways and Means, Res. (Corn, &c.), 622

O'Brien, Sir P., *King's Co.*
Army Estimates—Military Stores, 669
Irish Church, Comm. *cl.* 12, 1120

O'Conor Don, The, *Roscommon Co.*
Irish Church, Comm. *cl.* 18, 1486; *cl.* 27, 1872

O'Donoghue, The, *Tralee*
Ireland—State of, 2035

O'Farrell Papers, The
Question, Mr. Newdegate; Answer, Mr. Monsell *April* 2, 30; Question, Mr. Newdegate; Answer, Mr. Gladstone *April* 23, 1468; *April* 26, 1584
Order [6th April] for Address for Return relative to O'Farrell's crime read *April* 27, 1741; Moved, "That the said Order be discharged" (*Mr. Monsell*); after short debate, Question put; A. 123, N. 15; M. 108; Question, Mr. Newdegate; Answer, Mr. Gladstone *April* 29, 1854; Question, Mr. Newdegate; Answer, Mr. Gladstone; long debate thereon *April* 30, 2064

O'Loghlen, Right Hon. Sir C. M. (Judge Advocate General), *Clare Co.*
Army—Branding in the, 574

O'Neill, Hon. E., *Antrim Co.*
Irish Church, Comm. *cl.* 14, 1377

Onslow, Mr. G., *Guildford*
Malta—New Port and Docks, 1695

O'Reilly, Mr. M. W., *Longford Co.*
India—Banda and Kirwee Prize Money, 1580
Ireland—Dublin Election, Motion for a Commission, 1270, 1273
Ireland—Jury Panel, Monaghan Assizes, 506
Irish Church, Comm. *cl.* 27, 1868
Marriage with a Deceased Wife's Sister, 2R. 1301, 1315
Parliament—Business of the House, 847

Otway, Mr. A. J. (Under Secretary of State for Foreign Affairs), *Chatham*
Army Estimates—Martial Law, 664, 665
China—Hostilities to Foreigners, 578
Relations with, 1855
Mexico—Diplomatic Relations with, 845
Turkey—Cretan Insurgents, 1099

Overstone, Lord
Pauperism and Emigration, 958

Oxford, Bishop of
Ecclesiastical Dilapidations, 2R. 1820

Oyster and Mussel Fisheries Supplemental Bill
(*Mr. Lefevre, Mr. John Bright*)
c. Ordered; read 1°* *April* 13 [Bill 76]
Read 2°* *April* 19, and referred to a Select Committee

Pakington, Right Hon. Sir J. S., *Droitwich*
Army Estimates—Military Stores, 669
Navy Estimates—Salaries, 76
Steam Machinery, 202

Palk, Sir L., *Devonshire, S.*
Beverley Election, Motion for an Address, 561
Ireland—Church Leaseholds, 1096
Irish Church, Comm. *cl.* 25, 1612

Palmer, Sir R., *Richmond*
Courts of Justice, New, Res. Amendt. 1216, 1269
Irish Church, Comm. *cl.* 2, 1011, 1022; *cl.* 10, Amendt. 1106, 1108; *cl.* 13, 1125, 1126; *cl.* 14, 1139; Amendt. 1365, 1367, 1377, 1380, 1381; Amendt. 1383, 1385, 1401; *cl.* 23, 1525; *cl.* 25, 1600; *cl.* 27, 1632, 1880; *cl.* 29, 1886, 1910

Palmer, Mr. J. Hinde, *Lincoln City*
Bankruptcy, 2R. 164
Irish Church, Comm. *cl.* 14, 1385
Railways, Communication on, 29

Park Gate Chapel Marriages, &c. Bill [H.L.] (*The Lord Archbishop of York*)
l. Presented; read 1ª* *April* 19 (No. 59)
Read 2ª* *April* 29
Committee*; Report *April* 30

Parliament

Lords—
Private Bills, No Private Bill brought from the House of Commons shall be read a second time after Tuesday the 15th day of June next: [and other Orders] *April* 8, 338

Commons—
Business of the House—The Irish Church Bill, Observations, Mr. Gladstone *April* 15, 846; *April* 23, 1470
The Irish Church Bill — Morning Sitting, Notice, Mr. Gladstone *April* 29, 1856
Morning Sittings, Question, Lord Claud Hamilton; Answer, Mr. Gladstone *April* 30, 1975
Resolutions moved (*Mr. Gladstone*) and agreed to
Crypt under St. Stephen's Chapel, Question, Mr. W. Egerton; Answer, Mr. Layard *April* 13, 676
Disability of the Episcopal Clergy to sit in Parliament, Question, Lord Henry Thynne; Answer, Mr. Gladstone *April* 23, 1466
House of Commons Arrangements, Moved, "That this House, agreeing in substance with the Report of the Select Committee of the year 1868 concerning House of Commons Arrangements, recommends the same for the consideration of Her Majesty's Government" (*Mr. Headlam*) *April* 6, 258
After short debate, Amendt. to leave out "agreeing in substance with," and insert "refers" (*Viscount Bury*), 278; Question proposed, "That the words, &c.;" after further debate, Amendt. and Motion withdrawn
Question, Mr. Headlam; Answer, Mr. Layard *April* 23, 1467

Parochial Schoolmasters (Scotland) Bill (*Mr. M'Laren, Sir Edward Colebrooke, Mr. Fordyce*)
c. Ordered; read 1º* *April* 12 [Bill 72]

Parochial Schools (Scotland) Bill—Petitions
Observations, The Duke of Marlborough; Reply, The Duke of Argyll; short debate thereon *April* 12, 567; Question, Observations, The Duke of Richmond, Lord Cairns; Reply, The Duke of Argyll *April* 26, 1574

Patten, Right Hon. Colonel J. W., *Lancashire, N.*
Army Estimates—Martial Law, 664, 665
Court of Common Pleas (County Palatine of Lancaster), Comm. 221
Irish Church, Comm. *cl.* 13, 1125

Peek, Mr. H. W., *Surrey, Mid.*
Bankruptcy, 2R. 165, 166
Metropolis—Battersea Park, 843

Peel, Right Hon. Sir R., *Tamworth*
Parliament—Morning Sittings, 1979, 1980

Pell, Mr. A., *Leicestershire, S.*
Agricultural Returns, Res. 753
Contagious Diseases (Animals) (No. 2), 2R. 444

Pemberton, Mr. E. L., *Kent, E.*
Ireland—Maynooth College, 361

Pharmacy Act (1868) Amendment Bill (*Lord Robert Montagu, Sir Graham Montgomery*)
c. Read 2º* *April* 12 [Bill 37]
Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" *April* 29, 1933
Amendt. to leave out from "That," and add "this House will, upon this day six months, resolve itself into the said Committee" (*Dr. Brewer*); Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn; Committee; Report [Bill 99]

Pim, Mr. J., *Dublin City*
Corn, Duty on, 584
Irish Church, Comm. *cl.* 2, 1031; *cl.* 14, 1149; Amendt. 1368, 1377, 1378; *cl.* 15, Amendt. 1386, 1403; *cl.* 16, Amendt. 1407, 1409; *cl.* 17, Amendt. 1411; *cl.* 20, 1499; *cl.* 25, Amendt. 1602, 1613
Scotland—Portpatrick Harbour, 991
Ways and Means, Res. (Corn, &c.), 593, 624

Pochin, Mr. H. D., *Stafford Bo.*
Pharmacy Act Amendment, Comm. Motion for reporting Progress, 1934
Trade Returns, 575
Ways and Means—Financial Statement, 422

Police Interference with Passengers—(Metropolis)
Question, Mr. Eaton; Answer, Mr. Bruce *April* 9, 477

Police Superannuations
Question, Sir Michael Hicks-Beach; Answer, Mr. Bruce *April* 27, 1695

Pollard-Urquhart, Mr. W., *Westmeath Co.*
Irish Church, Comm. *cl.* 26, 1620

Poor Law
Gilbert Unions, Questions, Sir Michael Hicks-Beach, Colonel Bourne; Answers, Mr. Goschen *April* 20, 1195
Kensington Sick Asylum District, Question, Mr. J. G. Talbot; Answer, Mr. Goschen *April* 15, 841
Metropolitan Lunatic Asylums, Question, Mr. M'Cullagh Torrens; Answer, Mr. Goschen *April* 22, 1354
Orphan Pauper Children, Question, Mr. Rathbone; Answer, Mr. Goschen *April* 16, 971
Pauperism and Emigration, Observations, Lord Houghton; Reply, Earl Granville; debate thereon *April* 16, 943
Rating of Mines, Question, Colonel Duncombe; Answer, Mr. Bruce *April* 26, 1582
Vagrancy, Question, Mr. Hunt; Answer, Mr. Goschen *April* 19, 1096

Poor Law (Ireland) Amendment Bill
(*Mr. M'Mahon, Mr. Blake, Mr. Downing, Mr. Stacpoole*)
c. Moved, "That the Bill be now read 2°" *April* 7, 309
Amendt. to leave out "now," and add "upon this day six months" (*Mr. Bruen*); Question proposed, "That 'now,' &c.;" after short debate, Debate adjourned

Poor Law (Scotland) Act (1845) Amendment Bill (*The Lord Advocate, Mr. Secretary Bruce, Mr. Adam*)
c. Motion for Leave (*The Lord Advocate*) *April* 13, 756; Bill ordered; read 1°* *April* 14
Read 2°* *April* 22 [Bill 80]

Portarlington, Earl of
Representative Peers for Scotland and Ireland, 2R. 1680
Tenure (Ireland), Comm. 1572

Portman, Lord
Ecclesiastical Dilapidations, 2R. 1820
Increase of the Episcopate, 2R. Amendt. 1335

Post Office
Communication with Australia, Question, Mr. Young; Answer, Mr. Monsell *April* 5, 140—*South Wales*, Question, Mr. Jones; Answer, The Marquess of Hartington *April* 26, 1582
Inland Postage on Printed Matter, Moved, "That, in the opinion of this House, it is expedient to reduce the rate of Inland Postage on printed matter to one halfpenny for two ounces, and that the postage on newspapers should be likewise reduced to one halfpenny" (*Mr. Graves*) *April* 6, 233; after short debate, Previous Question put (*Mr. Chancellor of the Exchequer*); A. 62, N. 229; M. 167
New York Mails—The Bremen Company, Question, Mr. Eastwick; Answer, The Marquess of Hartington *April* 26, 1583
North German Confederation, The, Question, Mr. Hardcastle; Answer, The Marquess of Hartington *April* 26, 1584
Portpatrick Harbour, Question, Sir Frederick W. Heygate; Answer, Mr. Bright *April* 8, 360; Observations, Mr. W. Johnston; Reply, Mr. Ayrton; short debate thereon *April* 16, 982
West India Mails—Falmouth and Plymouth, Question, Mr. R. Fowler; Answer, The Marquess of Hartington *April* 12, 574—*Sorting Letters*, Question, Mr. Candlish; Answer, The Marquess of Hartington *April* 15, 841

Post Office Savings Banks Bill
(*The Marquess of Hartington, Mr. Chancellor of the Exchequer, Mr. Stansfeld*)
c. Ordered; read 1°* *April* 9 [Bill 69]

Potter, Mr. E., *Carlisle*
Lord Lieutenant (Cumberland and Westmoreland), Motion for an Address, 747

Public Departments—Concentration of
Question, Lord John Manners; Answer, Mr. Layard *April* 13, 677
Public Offices, Great George Street, Question, Mr. W. H. Smith; Answer, Mr. Layard *April* 30, 1973

Raikes, Mr. H. C., *Chester*
Irish Church, Comm. 917; *cl.* 25, 1601; *cl.* 27, 1870
Parliament—Youghal Election, New Writ, 2072

Railway Construction Facilities Act (1864) Amendment Bill
(*Mr. Whalley, Mr. M'Mahon*)
c. Ordered; read 1°* *April* 22 [Bill 94]

Railways
Communication on Railways, Question, Mr. Palmer; Answer, Mr. Bright *April* 2, 29
Railway Companies, Ordered, That in all cases in which Railway Bills of this Session shall (in accordance with the provisions of the Act 31st and 32d Victoria, cap. 119) have been submitted to a meeting of the proprietors of any company in respect of additional powers conferred on such company, and shall have been approved at such meeting, it shall not be necessary to submit the Bill to a meeting of such company to be held in accordance with Standing Order No. 185, unless any of the powers specified in such Order shall have been inserted or materially altered in the House of Commons" (*The Chairman of Committees*) *April* 16, 942
[*cont.*

RAILWAYS—*cont.*
Smoking on Metropolitan Railways, Question, Mr. Cadogan; Answer, Mr. Bright *April* 26, 1579
Waterloo and Whitehall Railway, Question, Mr. G. Gregory; Answer, Mr. Bright *April* 16, 972

RATHBONE, Mr. W., *Liverpool*
Imprisonment for Debt, 2R. 177
Orphan Pauper Children, 971
Ways and Means—Financial Statement, 423

READ, Mr. C. S., *Norfolk, E.*
Norwich Election, Motion for an Address, 9
Ways and Means, Res. (Corn, &c.), 621

REDESDALE, Lord
Coronation Oath, 1059, 1069
Ecclesiastical Courts, &c., Nomination of Committee, 1353
Parochial Schools (Scotland), 570
Pauperism and Emigration, 969
Railway Companies Meetings, Comm. 672
Salmon Fisheries (Ireland), 2R. 572

Reformatory Schools Amendment Bill [H.L.] (*The Marquess Townshend*)
l. Presented; read 1ª* *April* 20 (No. 63)

Regulation of Railways Act (1868) Amendment Bill—*Afterwards* **Railway Companies Meetings Bill** (*Mr. Lefevre, Mr. John Bright*)
c. Motion for Leave (*Mr. Lefevre*) *April* 1, 24; Bill ordered; read 1º* [Bill 62]
Read 2º* *April* 5
Committee*; Report *April* 6
Read 3º* *April* 7
l. Read 1ª* (*The Earl of Kimberley*) *April* 8
Read 2ª* *April* 12 (No. 44)
Committee, after short debate; Report *April* 13, 671
Read 3ª* *April* 15
Royal Assent *April* 19 [32 Vict. c. 6]

Religious, Educational, &c. Societies Incorporation Bill [H.L.] (*The Lord Romilly*)
l. Presented; read 1ª* *April* 29 (No. 81)

Representative Peers for Scotland and Ireland Bill (*The Earl Grey*)
l. Presented; read 1ª, after short debate *April* 9, 473 (No. 50)
Moved, "That the Bill be now read 2ª" *April* 27, 1677
Amendt. to leave out from ("that") and insert ("a Select Committee be appointed to consider the state of the Representative Peerage of Scotland and Ireland, and the laws relating thereto") (*The Duke of Buccleuch*); after short debate, on Question, "Whether the words proposed to be left out, &c.," Cont. 32, Not-Cont. 77; M. 45; Division List, Cont. and Not-Cont. 1693; resolved in the negative; Motion, as amended, agreed to; Committee appointed accordingly; List of the Committee, 1694

RICHARDS, Mr. E. M., *Cardiganshire*
Friendly Societies, Res. 508

RICHMOND, Duke of
Parochial Schools (Scotland), 1574

ROBERTSON, Mr. D., *Berwickshire*
Game Laws (Scotland), Motion for a Commission, Motion for Adjournment, 2066

Roman Catholic Charities—Returns
Question, Mr. Newdegate; Answer, Mr. Bruce *April* 22, 1362

ROMILLY, Lord
Habitual Criminals, Comm. *cl.* 10, Amendt. 223, 226; *cl.* 12, Amendt. 227, 229

Royal Patriotic Fund School—The Boy M'Gregor
Question, Mr. Locke King; Answer, Mr. Cardwell *April* 26, 1583

RUSSELL, Earl
Life Peerages, 1R. 452, 473; 2R. 1657, 1670

RUSSELL, Colonel Sir W., *Norwich*
Norwich Election, Motion for an Address, 15

RYLANDS, Mr. P., *Warrington*
Constabulary Returns, 1850
Contagious Diseases (Animals) (No. 2), 2R. 440
Sunday Trading, Comm. Motion for reporting Progress, 799, 805

St. Katherine's Hospital
Question, Observations, Earl Nelson; Reply, The Lord Chancellor *April* 30, 1945

ST. LAWRENCE, Viscount, *Galway Bo.*
Ireland—Election Petitions, 1096

SALISBURY, Marquess of
Government of India Act Amendment, 222; 1R. 1080; 2R. 1841
Habitual Criminals, Comm. *cl.* 10, 225, 226; *cl.* 12, 228
Life Peerages, 1R. 461; 2R. 1656
Railway Companies Meetings, Comm. 671
Representative Peers for Scotland and Ireland, 2R. 1688, 1690
Tenure (Ireland), 2R. 1182

Salmon Fisheries (Ireland) Bill (*Mr. Attorney General for Ireland, Mr. Chichester Fortescue*)
c. Considered* *April* 6 [Bill 56]
Read 3º* *April* 7
l. Read 1ª* (*The Lord Dufferin*) *April* 8 (No. 43)
Moved, "That the Bill be now read 2ª" *April* 12, 571; Bill read 2ª, after short debate
Committee*; Report *April* 15
Read 3ª* *April* 16

Salmon Fishery Laws
Question, Sir Herbert Croft; Answer, Mr. Knatchbull-Hugessen *April* 16, 975

SALOMONS, Mr. Alderman D., *Greenwich*
Navy Estimates—New Works, 211
Steam Machinery, 209
Stamp Duties Exemptions, 1849
Sunday Trading, Comm. 799
Ways and Means, Res. (Corn, &c.), 619

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SARTORIS, Mr. E. J., *Carmarthenshire*
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SAUNDERSON, Mr. E. J., *Cavan Co.*
Irish Church, Comm. *cl.* 14, 1377; *cl.* 19, 1492

Savings Banks
Questions, Mr. Cawley, Mr. Hibbert; Answers, The Chancellor of the Exchequer *April* 26, 1581

SCLATER-BOOTH, Mr. G., *Hampshire, N.*
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Supply—Civil Service Estimates, Vote on Account, 537
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Courts of Law Commission, Question, The Earl of Minto; Answer, The Earl of Morley *April* 26, 1575
Portpatrick Harbour, Question, Sir Frederick W. Heygate; Answer, Mr. Bright *April* 8, 360; Observations, Mr. W. Johnston; Reply, Mr. Ayrton; short debate thereon *April* 16, 982
Salmon Fisheries, Question, Mr. Fordyce; Answer, Mr. Bruce *April* 20, 1196
(See *Game Laws* (*Scotland*)

SCOTT, Lord H. J. M. D., *Hampshire, S.*
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SCOURFIELD, Mr. J. H., *Pembrokeshire*
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Sea Birds Preservation Bill
(*Mr. Sykes, Mr. Clay, Mr. Ward Jackson*)
c. Considered *April* 9, 557 [Bill 59]
Moved, "That the Bill be re-committed for the purpose of excluding Scotland from its operation" (*Mr. Fordyce*); Motion negatived
Read 3° * *April* 12
l. Read 1ª * (*The Duke of Northumberland*) *April* 12 (No. 54)
Read 2ª * *April* 26

Sea Fishing Boats
Question, Sir Herbert Croft; Answer, Mr. Bright *April* 23, 1464

Sea, Rule of the Road at
Question, Sir John Hay; Answer, Mr. Bright *April* 23, 1465

SELWIN-IBBETSON, Sir H. J., *Essex, W.*
Beerhouses, &c. 2R. 1763

SEYMOUR, Rear-Admiral G. H., *Antrim Co.*
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SHAW, Mr. R., *Burnley*
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SHERRIFF, Mr. A. C., *Worcester* (*City*)
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Sheriffs (York County) Bill
(*Mr. Knatchbull-Hugessen, Mr. Secretary Bruce*)
c. Ordered * *April* 29

SHERLOCK, Mr. D., *King's Co.*
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SIMON, Mr. Serjeant J., *Dewsbury*
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Moved, "That an humble Address, &c." (*Mr. Attorney General for Ireland*) *April* 9, 566; Motion agreed to; Message to the Lords thereon
l. Message from the Commons *April* 12
Question, Lord Claud Hamilton; Answer, Mr. Gladstone *April* 16, 974

Smith, Mr. F. C., *Nottingham*
Bankruptcy, 2R. 167

Smith, Mr. J. B., *Stockport*
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Smith, Mr. W. H., *Westminster*
License Duties on Servants, 1849
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  Public Offices, Great George Street, 1973
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Solicitor General, The (Sir J. D. Coleridge), *Exeter*
Irish Church, Comm. *cl.* 14, 1146, 1152, 1381; *cl.* 20, 1500
Marriage with a Deceased Wife's Sister, 2R. 1321, 1324
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China—Missionaries in, 131
Ecclesiastical Courts, &c., Nomination of Committee, 1351
Increase of the Episcopate, 2R. 1341
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Spain — The "Tornadó" — Petition of Crew
Observations, The Marquess of Clanricarde; Reply, The Earl of Clarendon *April* 8, 353

Speaker, The (Right Hon. J. E. Denison) *Nottinghamshire, N.*
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Stacpoole, Mr. W., *Ennis*
Militia, Comm. 1417
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Fine Arts Copyright and Consolidation Amendment (No. 2), 2R. 1941
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Stanley, Lord, *Lynn Regis*
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Stannaries Bill (*Mr. St. Aubyn, Mr. Pendarves Vivian, Mr. Brydges Willyams, Mr. Kekewich*)
c. Committee*; Report *April* 30 [Bill 101]

Stansfeld, Mr. J. (Lord of the Treasury), *Halifax*
Scotland—Salmon Fisheries, 1196
Ways and Means—Financial Statement, 433
Ways and Means—Res. (Corn, &c.), 639

Stapleton, Mr. J., *Berwick-on-Tweed*
Ritualistic Processions, 355
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Steam Boilers Inspection Bill (*Mr. Henry B. Sheridan, Mr. Vickers, Mr. Brady*)
c. Resolution in Committee; Resolution reported; Bill ordered; read 1°* *April* 7 [Bill 64]

Sullivan, Right Hon. E. (Attorney General for Ireland), *Mallow*
Ireland—Questions, &c.
  Cashel Election, 977, 1935
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  Incumbered Estates Court—Earl of Lanesborough's Estate, 520
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Sunday and Ragged Schools Bill (*Mr. Charles Reed, Mr. Bazley, Mr. Graves, Mr. M'Arthur*)
c. Ordered; read 1°* *April* 8 [Bill 67]

Sunday Trading Bill (*Mr. Thomas Hughes, Lord Claud Hamilton*)
c. Committee—R.P. *April* 14, 799 [Bill 5]

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Supply—Civil Service Estimates—Diplomatic and Consular Services
Question, Mr. White; Answer, Mr. Gladstone *April* 2, 27

Sykes, Colonel W. H., *Aberdeen City*
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Greenwich Sixpence, 1853
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Sykes, Mr. C., *Yorkshire, E. R.*
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Synan, Mr. E. J., *Limerick Co.*
Irish Church, Comm. *cl.* 2, 1041; *cl.* 14, 1150; *cl.* 15, 1400; *cl.* 25, 1615
Poor Law (Ireland) Act Amendment, 2R. 321

Talbot, Mr. J. G., *Kent, W.*
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Taylor, Mr. P. A., *Leicester*
Army—Lunatics—Murder of Sergeant Barnes, &c. 1576
Conviction of three Children at Salisbury, 675
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Telegraphs Bill
Question, Mr. Baines; Answer, The Marquess of Hartington *April* 15, 845

Tenure (Ireland) Bill [h.l.]
(*The Marquess of Clanricarde*)
l. Presented; read 1ª* *April* 5 (No. 36)
Moved, "That the Bill be now read 2ª" *April* 20, 1157; Bill read 2ª, after debate
Moved, "That the House do now resolve itself into a Committee" *April* 26, 1536; after long debate, Motion withdrawn

Thynne, Lord H. F., *Wiltshire, S.*
Corrupt Practices Commissions, 1975
Episcopal Clergy, Disabilities of the, 1466

Tite, Mr. W., *Bath*
Courts of Justice, New, Res. 1245
Parliament—House of Commons Arrangements, Res. 273, 279, 302
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Torrens, Mr. W. T. M'Cullagh, *Finsbury*
Imperial Gas, Consid. 1794
Ireland—Incumbered Estates Court—Earl of Lanesborough's Estate, 521
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Poor Law — Metropolitan Lunatic Asylums, 1354

Tracy, Hon. C. R. D. Hanbury- *Montgomery, &c.*
Army—Military Labour, Res. 642
Navy Estimates—Coast Guard Service, 94, 95

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Trades Unions, &c. Bill
(*Mr. Thomas Hughes, Mr. Mundella*)
c. Ordered; read 1°* *April* 9 [Bill 68]

Trelawny, Sir J. G. S., *Cornwall, E.*
Sunday Trading, Comm. 805

Trevelyan, Mr. G. O. (Lord of the Admiralty), *Hawick, &c.*
Greenwich Hospital, Leave, 1701
Navy Estimates—New Works, 212

Trevor, Lord A. E. Hill- *Downshire*
Ireland—Cashel Election, 976

Truro, Lord
Army—Military Force of the Kingdom, 1461

Turkey—Cretan Insurgents
Question, Mr. Monk; Answer, Mr. Otway *April* 19, 1099

Turnpike Acts Continuance
Select Committee nominated *April* 2

United States—The Hog Cholera
Question, Earl Cowper; Answer, Earl De Grey and Ripon *April* 16, 942
(See *Post Office*)

Vaccination Amendment Bill [h.l.]
(*The Marquess Townshend*)
l. Presented; read 1ª* *April* 29 (No. 85)

Valuation of Property (Metropolis) Bill
Formerly
Rateable Property (Metropolis) Bill
(*Mr. Goschen, Mr. Arthur Peel, Mr. Ayrton*)
c. Moved, "That the Bill be now read 2°" *April* 1, 17; after short debate, Bill read 2°
Question, Mr. Liddell; Answer, Mr. Goschen *April* 8, 359
Committee*; Report *April* 30 [Bill 12]

VANCE, Mr. J., *Armagh City*
Beverley Election, Motion for an Address, 565
Ireland—Cashel Election, 1935
  Hackney Carriages in Dublin, 583
  Prisons, 1855
Irish Church, Comm. *cl.* 12, 1112; *cl.* 16, Amendt. 1409, 1410; *cl.* 25, 1606; *cl.* 26, 1627; *cl.* 29, Motion for reporting Progress, 1931

VERNER, Mr. E. Wingfield, *Lisburn*
Irish Church, Comm. 910; *cl.* 12, 1118; *cl.* 15, 1403

VERNER, Mr. W., *Armagh Co.*
Irish Church, Comm. *cl.* 26, 1625

VERNEY, Sir H., *Buckingham*
Ancient Monuments, Preservation of, 27

VIVIAN, Hon. Captain J. C. W. (Lord of the Treasury), *Truro*
Militia, Comm. 1419

VIVIAN, Mr. H. Hussey, *Glamorganshire*
Navy—North Country Coal, Use of, 1354

WALKER, Major G. G., *Dumfriesshire*
Army—Militia and Reserve Forces, Motion for Returns, 1759, 1763
Militia, Comm. 1418

WALPOLE, Right Hon. S. H., *Cambridge University*
British Museum—Temple Collection, 1579
Financial Statement, 584
Irish Church, Comm. *cl.* 2, 1015; *cl.* 10, 1108; *cl.* 12, 1110; *cl.* 14, 1371, 1372; *cl.* 17, 1411, 1412; *cl.* 20, 1503; *cl.* 27, 1634
Newspapers, &c. Comm. 1417

WALSH, Hon. A., *Radnorshire*
Inclosure of Commons, 976

WALTER, Mr. J., *Berkshire*
Irish Church, Comm. *cl.* 14, 1151; *cl.* 18, 1475, 1484
Parliament—House of Commons Arrangements, Res. 299

Water Supply Bill
(*Mr. Biddulph, Mr. Goldney, Colonel Napier Sturt, Marquess of Lorne*)
c. Ordered; read 1° * *April* 15 [Bill 83]

WAYS AND MEANS
Considered in Committee *April* 8, 363 — Financial Statement of The Chancellor of the Exchequer on moving the First Resolution, "That, towards raising the Supply granted to Her Majesty, the Duty of Customs now charged on Tea shall continue to be levied and charged on and after the 1st day of August 1869 until the 1st day of August 1870, on the importation thereof into Great Britain and Ireland: viz.—Tea . . . the lb. 0*s.* 6*d*;" after long debate, Motion agreed to

[*cont.*

Ways and Means—cont.
Resolutions reported, and agreed to:—Bill ordered (*Mr. Dodson, Mr. Chancellor of the Exchequer, Mr. Ayrton*) *April* 9, 566
Considered in Committee *April* 12, 585
Moved, "That the Duties of Customs chargeable upon the articles under-mentioned, imported into Great Britain and Ireland, shall cease and determine, viz.:—Corn, Grain, Meal, and Flour, and articles of the like character, viz.:—
[Then the articles are set forth.]
After debate, Resolution withdrawn; other Resolutions agreed to; Resolutions reported *April* 13

QUESTIONS thereon
Assessed Taxes, Question, Mr. Barnett; Answer, Mr. Ayrton *April* 9, 478
Excise Licence on Horses, Question, Sir Henry Hoare; Answer, Mr. Scourfield *April* 19, 1097
License Duties on Servants, Question, Mr. W. H. Smith; Answer, The Chancellor of the Exchequer *April* 29, 1849
Payment of Income Tax, &c., Question, Mr. Walpole; Answer, The Chancellor of the Exchequer *April* 12, 584; Question, Mr. Neville-Grenville; Answer, The Chancellor of the Exchequer *April* 15, 843
Stamp Duties Exemptions, Question, Mr. Alderman Salomons; Answer, The Chancellor of the Exchequer *April* 29, 1849
The Duty on Corn, Question, Mr. Macfie; Answer, Mr. Gladstone *April* 9, 479; Question, Mr. Pim; Answer, The Chancellor of the Exchequer *April* 12, 584; Question, Mr. A. Johnston; Answer, The Chancellor of the Exchequer *April* 15, 844

WEDDERBURN, Sir D., *Ayrshire, S.*
Game Laws (Scotland), Motion for a Committee, 1730

Weights and Measures, Metric System
Question, Mr. J. B. Smith; Answer, Mr. Bright *April* 16, 972

WEST, Mr. H. W., *Ipswich*
Court of Common Pleas (County Palatine of Lancaster), Comm. 218
Imprisonment for Debt, 2R. 178

WESTBURY, Lord
Ecclesiastical Courts, &c., Nomination of Committee, 1352
Fine Arts Copyright and Consolidation Amendment (No. 2), 2R. 1936, 1942
Tenure (Ireland), 2R. 1187; Comm. 1549

WESTMEATH, Marquess of
Ireland—Agrarian Outrages, 1534
  State of, 1971
Tenure (Ireland), Comm. 1554

Whalley, Mr. G. H., *Peterborough*
Irish Church, Comm. 894 ; *cl.* 2, 1037 ; *cl.* 12, 1118 ; *cl.* 18, 1488 ; *cl.* 25, 1616
O'Farrell Papers, 1757
Pharmacy Act Amendment, Comm. 1934

Whatman, Mr. J., *Maidstone*
Army—West Kent Militia, 678

Wheelhouse, Mr. W. St. John, *Leeds*
Courts of Justice, New, Res. 1245
Evidence Amendment, 2R. 1807
Hospitals, &c. Rating Exemption, 2R. 1814

Whitbread, Mr. S., *Bedford*
Army Estimates—Buildings and Repairs, 669

White, Mr. J., *Brighton*
Official Salaries, 27

Wingfield, Sir C. J., *Gravesend*
Gravesend County Court, 1579

Wisley Common
Moved, " That a Select Committee be appointed to consider the proposed Inclosure of Wisley Common" (*Mr. Knatchbull-Hugessen*) *April* 2, 125 ; after short debate, A. 43, N. 22 ; M. 21; List of the Committee, 130

Wyndham, Hon. P. S., *Cumberland, W.*
Irish Church, Comm. 890 ; *cl.* 23, 1530

York, Archbishop of
Ecclesiastical Dilapidations, 2R. 1818, 1820
Increase of the Episcopate, 2R. 1338, 1340

Youghal Election
Moved, " That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Ireland to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Borough of Youghal, in the room of Christopher Weguelin, esquire, whose Election has been determined to be void " (*Mr. Glyn*) *April* 30, 2068
Amendt. to leave out from "That," and add " the issuing of a new Writ for Youghal be postponed until the Minutes of Evidence taken on the Election Petition be printed " (*Mr. Collins*) ; after short debate, Question put, " That the words, &c. ;" A. 102, N. 70 ; M. 32 ; main Question put, and agreed to

Young, Mr. A. W., *Helston*
Imperial Gas, Consid. 1790

Young, Mr. G., *Wigton, &c.*
Post Office — Communication with Australia, 140

ERRATUM.

Page 788, line 4, *for* Mr. C. O. Morgan *read* Mr. G. O. Morgan.

END OF VOLUME CXCV., AND SECOND VOLUME OF SESSION 1868-9.

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K 26 FEB 1970